

SUPPORTING STATEMENT A
U.S. Department of Commerce
U.S. Census Bureau

American Community Survey Methods Panel: 2024 Sexual Orientation and Gender Identity Test
OMB Control No. 0607-0936

Abstract

The American Community Survey (ACS) is an ongoing monthly survey that collects detailed housing and socioeconomic data from a sample of about 3.5 million addresses in the United States and about 36,000 addresses in Puerto Rico each year, where it is known as the Puerto Rico Community Survey (PRCS). The ACS also collects detailed socioeconomic data from a sample of residents living in group quarters (GQ) facilities in the United States and Puerto Rico. Resulting tabulations from this data collection are provided on a yearly basis. The ACS allows the U.S. Census Bureau to provide timely and relevant housing and socioeconomic statistics, even for low levels of geography.

The ACS conducts research, testing, and evaluations, through its Methods Panel program, aimed at improving the survey. The ACS Methods Panel is a research program designed to address and respond to survey issues and needs.

The Census Bureau requests authorization from the Office of Management and Budget (OMB) to revise the previous authorization for the ACS Methods Panel to conduct a test of new content to the survey, called the 2024 ACS Sexual Orientation and Gender Identity (SOGI) Test. The information collected in the 2024 ACS SOGI test will be used to evaluate the quality of data from questions on sexual orientation and gender identity. The research will inform recommendations for potential production ACS implementation on question wording and response options, whether a confirmation question is asked of everyone or only of those people with discrepant responses for sex at birth and current gender identity, and the style of write-in boxes to use for internet respondents. Federal agencies have expressed interest in and identified legal uses for this information, including civil rights and equal employment enforcement.

Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

ACS content is designed to meet the needs of federal government agencies and is a rich source of local area information useful to tribal, state, and local governments, universities, and businesses.

However, constraining the content of the ACS is critical because of the mandatory reporting requirement and burden to the American people. Questions on the ACS meet the [Census Bureau Policy for ACS Content \(census.gov\)](#). The [ACS Handbook of Questions and Current Federal Uses \(census.gov\)](#) summarizes the ACS questions, provides examples of federal and other uses, lists federal agencies that use the data, and describes how the data are used (including references to specific legislative acts and laws).

New or modified question proposals are considered on a regular basis. Changes to content must be proposed by a federal agency with a data need meeting the requirements for changes, additions, or deletions to the ACS. Any proposals for new content are reviewed for the legal mandate.

Proposed changes follow an established process for the ACS, as outlined here: [How a Question Becomes Part of the American Community Survey \(census.gov\)](#) and must be in line with the [Census Bureau Policy for ACS Content \(census.gov\)](#). Changes to ACS content must be tested prior to being implemented on the survey, in alignment with OMB [Standards and Guidelines for Statistical Surveys \(whitehouse.gov\)](#) along with the Census Bureau Quality Standards and Pretesting requirements (see [A2: Developing Data Collection Instruments and Supporting Materials \(census.gov\)](#) and [Appendix A2: Questionnaire Testing and Evaluation Methods \(census.gov\)](#)).

SOGI Test

In 2023, the Census Bureau received requests from federal agencies to add content to the ACS on sexual orientation and gender identity. These requests included federal statutes that require data on Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex (LGBTQI+) individuals, including the Violence Against Women Act, Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Fair Housing Act of 1968, the Equal Credit Opportunity Act, the Omnibus Crime Control and Safe Streets Act of 1968, the Civil Rights of Institutionalized Persons Act, and the Violent Crime and Law Enforcement Act of 1994.¹

The Census Bureau is collecting these data under the authority of Title 13, United States Code, Sections 141, 193, and 221. Please see the Title 13 U.S.C. section 141, 193, and 221 excerpt in Attachment L for more information about this legal authority.

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

The ACS collects detailed socioeconomic data, which are documented here: <https://www.census.gov/library/publications/2018/dec/planned-questions-2020-acs.html>. This

¹ Some people define the “Q” in the LGBTQI+ acronym to represent “questioning” instead of “queer.” The + (plus) in the acronym represents other sexual identities, including asexual, pansexual, Two-Spirit, and others.

document describes the topics and questions asked in the ACS. Since 2020 there have been modifications to the text of some of the questions, but the topics remain the same. The 2024 ACS SOGI Test will include all the topics described in the above document plus additional questions on sexual orientation and gender identity. Modifications to some questions, such as relationship and sex are also proposed.

Information is requested from a resident of the sampled household. For interviewer-administered interviews, a person must be at least 15 years old to respond to the survey. Respondents may complete the survey online, by paper questionnaire, by telephone, or in person. The Census Bureau selects a random sample of addresses to be included in the ACS. Each address has about a 1-in-480 chance of being selected in a month, and no address should be selected more than once every 5 years. A detailed discussion of the ACS data collection practices can be found in Part B of this supporting statement. For the 2024 ACS SOGI Test, housing units that have not been selected for the 2024 ACS survey will be eligible for the test. A sample will be selected among those housing units and will not be eligible for inclusion in the ACS for 5 years (i.e., 2029). See Supporting Statement B for more details about the sample for the 2024 ACS SOGI Test.

The ACS has been conducted since 2005. The questions asked and how the data are collected have changed over time to reflect the changing needs of our nation, as well as changes to data collection technology and respondent needs. For example, ACS questions undergo a periodic review and testing of updated constructs and wording to reflect societal and technological changes.

Information quality is an integral part of the predissemination review of the information disseminated by the Census Bureau (fully described in the Census Bureau's Information Quality Guidelines). Information quality is also integral to the information collections conducted by the Census Bureau and is incorporated into the clearance process required by the Paperwork Reduction Act. See <https://www.census.gov/about/policies/quality/guidelines.html> for more information about the Census Bureau's Information Quality Guidelines.

Individual responses are protected by Title 13 and can only be shared with people with sworn status. Summary information is available to the public, including other Federal Agencies, after applying disclosure avoidance techniques to protect the confidentiality of respondent data. Individual responses also are protected by the Privacy Act and subject only to the uses provided in the Commerce/Census-5, Decennial Census Program System of Records Notice. See <https://www.osec.doc.gov/opog/PrivacyAct/SORNs/census-5.html>. The Census Bureau will release at least one report discussing the aggregate results of the 2024 ACS SOGI Test, after applying disclosure avoidance techniques.

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the**

decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

For this test, we will employ the same data collection methods as used in the ACS, plus an additional follow-up called the Content Follow-up Reinterview.

Sampled addresses are mailed survey materials by the U.S. Postal Service to solicit a response to the survey. For addresses that were mailed survey materials but did not respond by mail, internet, or by calling our telephone questionnaire assistance line, the Census Bureau selects a subsample of all households and assigns them to the nonresponse follow-up data collection mode. Unmailable household addresses are sampled and included in the nonresponse follow-up operation.

The ACS uses web-based technology to collect data. Paper questionnaires are still available to respondents who need or prefer to use paper. If a respondent starts to complete the survey online and provides an email address, but does not complete the survey, they will be sent an email reminding them to return to the survey to complete their online questionnaire. This email includes a link to the online survey, clear instructions to log in, including an explicit reference to the user identification number. This email is sent only once to a respondent.

Sampled housing units from which we do not receive a response are eligible for nonresponse follow-up data collection. Computer-assisted interviewing (CAI) is used for personal visits and telephone interviews during the nonresponse follow-up operation. Computer-assisted instruments allow for the automation of skip patterns and to conduct error checks on the spot to minimize costly follow-up interviews or editing.

The CFU Reinterview will also be conducted using automated data collection instruments: web and telephone CAI.

Because of the inherent skip patterns and autofill capability for names, addresses, and other respondent-provided information, the automated instruments reduce the time it takes for a respondent to complete the survey.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Question 2.

The ACS is the instrument used to collect detailed demographic and socioeconomic data to be tabulated at small levels of geography down to the block-group level. The content of the ACS reflects topics that are required by law and that the Census Bureau determines are not duplicative of another agency's data collection. Several questions in the ACS appear in other demographic surveys, but these results are typically not released as frequently as ACS results or at the same level of geography. The comprehensive set of ACS questions, coupled with the tabulation and dissemination of data for small geographic areas, does not duplicate any other single information collection. Moreover, many smaller federal and non-federal studies use a small subset of the same

measures to benchmark those results to the ACS, which is often the most authoritative source for local area demographic data.

The OMB Interagency Committee for the ACS, co-chaired by OMB and the Census Bureau, includes more than 30 participating federal agencies and meets periodically to examine and review ACS content. This committee provides an extra safeguard to ensure that other agencies are aware of the ACS content and do not duplicate its collection and content with other surveys.

The ACS Methods Panel program is the only field-testing vehicle for the ACS. There is no other program designed to improve the ACS. Testing for the ACS builds on research conducted for other surveys and by other statistical agencies. Staff from the ACS program meet regularly with staff working on other demographic surveys to share test plans and research results. Proposals for content changes in the ACS also frequently build on research conducted for other federal surveys.

SOGI data are not collected on any federal survey that can provide the data at low levels of geography like the ACS is designed to do. The proposed questions being tested in the 2024 ACS SOGI Test build on existing research conducted by federal agencies (including guidance from OMB Recommendations on the Best Practices for the Collection of Sexual Orientation and Gender Identity Data on Federal Statistical Surveys), thus not duplicating effort.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

The collection of data for the 2024 ACS SOGI Test does not involve small businesses or other small entities.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

If the 2024 ACS SOGI Test is not conducted, the Census Bureau will not be following its well-established process to test content prior to it being considered for inclusion in the ACS. Also, the information requested by other federal agencies to inform federal statutes that require data on LGBTQI+ individuals would go unprovided.

Collecting the data on fewer sampled cases for the test would increase the margin of error on the estimates and limit conclusions that can be drawn from the test, especially for subgroup analysis which is vital to answering the research questions.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **requiring respondents to report information to the agency more often than quarterly;**

- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

The ACS data collection, including the 2024 ACS SOGI Test, does not require any of the special circumstances mentioned above.

- The ACS samples addresses in such a way that no address can be in sample more than once every 5 years. Data for a sampled address are collected once. If a person moves or has more than one address where the person lives, the person can be in sample more than once.
- Respondents are instructed to respond to the survey as soon as possible, which avoids costly follow-up activities such as in-person interviewing. However, once in sample, a respondent has three months to respond to the survey.
- Other than the survey itself, respondents are not required to submit any documents.
- Respondents are not required to produce or retain records for the survey.
- The data collected from the ACS and associated research studies result in statistics that are released or in reports documenting findings. The sample is designed to ensure sufficient geographic coverage so that the ACS can produce an accurate demographic snapshot by surveying a representative sample of the population.

- ACS survey results, including statistical estimates categories, are established and recognized as an official survey time series that has been used as survey benchmarks for other data collection programs for well over a decade.
 - ACS survey materials include information related to Title 13 protections of the data collection and other associated federal regulations. The Census Bureau implements disclosure avoidance procedures on all its products and complies with federal regulations related to data security policies.
 - Respondents are not required to submit proprietary information. All information collected are protected by law.
- 8. If applicable, provide a copy and identify the date and page number of publications in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

The ACS frequently consults with people outside of the Census Bureau to obtain views on a variety of topics. The ACS consults with data users, other federal agencies, and experts in the fields of survey methodology and statistics for feedback on the data products produced from the survey as well as data collection activities, statistical techniques, and disclosure protection.

For this test, the Census Bureau consulted with staff at the following federal agencies about the statistical and methodological approach to the test: Bureau of Justice Statistics, Housing and Urban Development, Energy Information Agency, and the Department of Education. The Census Bureau also relied on discussion and guidance from the Office of Management and Budget and the Federal Committee on Statistical Methodology (FCSM) interagency group: Measuring SOGI Research Group. Statistical organizations outside of the U.S. were also consulted to understand their experience asking SOGI questions in other countries. The 2024 ACS SOGI Test plan was also informed by discussions with several stakeholder organizations in the U.S.

The Census Bureau presented plans for the 2024 ACS SOGI Test at the 2023 FCSM Conference and the Creating Change conference. An additional presentation is planned for the Population Association of America conference.

The Census Bureau published a notice of our intent to conduct the 2024 Sexual Orientation and Gender Identity Test for the ACS in the September 19, 2023, edition (Vol. 88, No. 180, pages 64404-

64407) of the Federal Register (regulations.gov Docket ID USBC-2023-0007-0001). The Census Bureau received 91 public comments on this information collection submission. A summary of the comments received and the Census Bureau's response are below. Note that the count of comments below sums to more than 91 as one public comment could contain several statements or suggestions.

General Comments

- We received one comment on adding SOGI questions to the decennial census. New questions about sexual orientation and gender identity could be added to the census, American Community Survey, and additional surveys. However, new questions would have to go through established processes to be added. Asking questions on a census or survey is always a balance. We have a legal obligation to balance the government's evolving need for information with the additional burden it places on the people who respond. Before adding questions to a survey or census, we work through a thoughtful process to make sure we strike the best balance.
- We received 20 comments expressing support for adding SOGI questions to the ACS. Comments expressed the need for the data, especially at low levels of geography. Comments also expressed support for specific aspects of the questions, such as the write-in options or the nonbinary category.
- We received one comment asking if we could expand the scope of the field test to collect data in another country (Congo). The field test data collection will mirror data collection protocol for the ACS and will only sample addresses in the United States.
- We received four comments objecting to including the SOGI questions on the ACS or offering tangential and offensive commentary. Most of these comments objected to the concepts of gender identity. Questions on the ACS are added after careful statistical, legal, and methodological review in response to requests from other federal agencies. One commenter specifically objected because of the mandatory nature of the ACS. The mandatory nature of the ACS helps ensure that the Census Bureau collects statistics that meet data quality standards (see, for example, [Navarro, King, and Starsinic, 2011](#)). Federal agencies have expressed interest in and identified required legal uses for information on the LGBTQI+ population, including civil rights and equal employment enforcement.
- We received four comments encouraging the Census Bureau to test SOGI questions in multiple languages and to consider cultural attitudes and interpretations in the wording. The Census Bureau is planning to cognitively test the SOGI questions in English and Spanish with participants of various backgrounds, including various countries of origin for Spanish-speakers. The initial focus is on English and Spanish because the ACS questionnaire and survey instruments are available in those languages. The Census Bureau is planning

additional cognitive testing in the future and will consider including additional languages in cognitive testing.

- We received one comment expressing concern that adding these questions would lower response rates and increase nonresponse bias. While we did not build in a controlled experiment around response rates into this test, we will examine unit response rates. The Census Bureau is encouraged that surveys such as the National Health Interview Survey and the National Crime Victimization Survey found low item nonresponse to the SOGI questions (see [Truman and Morgan 2022](#); [Dahlhamer, Galinsky, Joestl, and Ward 2014](#)). Analysis of the 2024 ACS SOGI Test will carefully evaluate item nonresponse in the context of this household survey with proxy reporting.
- We received four comments expressing privacy or confidentiality concerns and that adding these questions could be dangerous for sexual and gender minority respondents. The Census Bureau follows [strict protocols](#) for protecting respondents' data. Title 13 of the U.S. Code authorizes the Census Bureau to conduct surveys and censuses and mandates that any information obtained in those censuses and surveys from individuals and establishments remains confidential. Section 9 of Title 13 prohibits the Census Bureau from using the information for any purpose other than the statistical purpose for which the information was collected, from releasing "any publication whereby the data furnished by any particular establishment or individual under this title can be identified," or permitting access to the information to anyone other than a Census employee or an individual sworn to uphold the provisions of Section 9. Section 214 of Title 13, as modified by the Federal Sentencing Reform Act, imposes a fine of not more than \$250,000 and/or imprisonment of not more than 5 years for violating Section 9.

Asking questions on a census or survey is always a balance. We have a legal obligation to balance the evolving need for information with the additional burden it places on the people who respond. Before adding questions to a survey or census, we work through a thoughtful process to make sure we strike the best balance. The topics of sexual orientation and gender identity require carefully balancing of how much detail to collect, using terms that resonate with how people identify themselves, and the public's ability and willingness to respond to the questions, especially in context of the overall survey.

Anytime the Census Bureau measures small population groups we take particular care to provide quality data while ensuring confidentiality of respondent's data. Because sexual orientation and gender identity can be sensitive topics, the privacy concerns of people who respond and the confidentiality of their data must be handled with care. As such, we will implement specific data collection design methods into the proposed 2024 ACS SOGI Test to protect respondent confidentiality. For instance, to help address sensitivity for interviewer-administered interviews, especially if other household members are present, the Census Bureau is proposing to use numbered response categories so that respondents can indicate

a response category number to select the appropriate category or categories. A flashcard will also be available for in-person interviews so that respondents can review the response options themselves and indicate a response using a numbered response category. The outcomes of the 2024 ACS SOGI Test should expand our understanding of proxy reporting and provide insights into the sensitivity and privacy concerns during sexual orientation and gender identity data collection.

- We received one comment expressing concern about the test's ability to examine reliability; they recommended the Census Bureau should obtain self-responses to the SOGI items for each household member so the reinterview could then examine proxy reporting. A major change to the design of the ACS would be needed to ask each household member to answer SOGI items. However, the ACS does not prevent multiple household members from participating in responding to the survey. Testing proxy responses for the SOGI questions is an important part of the test design, as understanding how proxy responses perform for SOGI was identified by the FCSM interagency group as an important area for research. After responses are collected for the survey, the Census Bureau will do a Content Follow-up Reinterview. For some of these interviews, another member of the household will be asked to answer a subset of the ACS questions, including the SOGI questions, for all members of the household. This will allow us to do the kind of analysis suggested by the commenter. Additionally, we will look at cognitive testing results to gain insight on this issue.
- We received one comment with a suggestion for how to assess the impacts of interview mode on responses to SOGI items, by randomly assigning households to a particular mode of interview. Socioeconomic and demographic characteristics of respondents to the ACS tend to vary quite a bit by interview mode (See [People and Households Represented in Each ACS Data Collection Mode \(census.gov\)](#)). Therefore, it is important to assess the interview modes with respondents who are inclined to answer in those modes.
- We received one comment requesting more information about the test, including definitions of sexual orientation and gender identity, information on the sampling design, and a discussion of the benefits and limitations of collecting SOGI data. The commenter also requested a discussion of preliminary findings, and how the test will handle changes in SOGI concepts over time. Information on the sample design and background about the 2024 ACS SOGI Test can be found in the Analysis Plan in Attachment M. Many of the topics mentioned by the commenter, including results, will be explored in detail in the evaluation report(s) that will be released after the test.
- We received two comments that suggested making the SOGI questions optional. While we work cooperatively with respondents to complete the ACS to the best of their ability, we legally cannot make questions on the ACS optional.

- We received five comments expressing concern about possible response bias (for example, because of proxy reporting) or undercounting because of proxy responses. The content follow-up reinterview will allow the Census Bureau to measure reliability and response bias in the test.
- We received one comment opposing the inclusion of write-in boxes for the SOGI questions arguing that write-ins would create ambiguity in the data. The write-in responses will be critical for evaluating the need for additional response categories and help ensure that all respondents have an opportunity to provide the terms they use for themselves. Write-in response boxes are also part of the Office of Management and Budget (OMB) [Recommendations on the Best Practices for the Collection of Sexual Orientation and Gender Identity Data on Federal Statistical Surveys](#) report (hereafter referred to as OMB Best Practices report).
- We received one comment suggesting using nested survey questions for both sexual orientation and gender identity (for example, if someone answers Nonbinary or Transgender, they will receive a subquestion with additional response categories. The commenter did not suggest what those additional categories could be). Our proposed question structures follow current best practices and recommendations from the National Academies of Sciences, Engineering and Medicine (NASEM) report on Measuring Sex, Gender Identity, and Sexual Orientation (hereafter referred to as the NASEM report).
- We received one comment that suggested more information was needed in the test plan, including disaggregating evaluation of time and cost of language translation, more time discussing privacy and confidentiality protections for minors, and discussing how the test will be compliant with the Americans with Disabilities Act (ADA). Some of the data the Census Bureau collects may be considered to be of a sensitive nature. The Census Bureau follows [strict protocols](#) for protecting respondents' data. Title 13 of the U.S. Code authorizes the Census Bureau to conduct surveys and censuses and mandates that any information obtained from private individuals and establishments remains confidential. The Census Bureau takes the position that the collection of these types of data is necessary for the analysis of important policy and program issues and has structured the questions to lessen their sensitivity.

Additionally, Section 508 of the Rehabilitation Act of 1973 requires that all federal agencies maintain Section 508 compliance where required. The ACS internet response instrument is Section 508 compliant. If a respondent does not want to or is not able to complete the survey online, they can also complete it on paper or over the phone. For a subsample of cases, an interviewer may also conduct an interview in person or over the phone as part of the nonresponse follow-up operation.

- We received five comments related to the age of the person that the SOGI questions are asked (the Census Bureau had suggested the questions be asked of people 15 and older). One comment suggested we increase the age limit for the sexual orientation question to 18 years. One comment suggested we decrease the age limit for sexual orientation to 12. Two comments suggested we lower the age limit for SOGI questions in general but did not specify an age. One comment asked that we explain the research/rationale behind the decision to limit SOGI questions to age 15 and older.

In deciding on the age, we looked at age ranges for SOGI questions on existing surveys and sought to balance the needs of federal agencies with the ages at which people begin to develop gender and sexual orientation identities. We also considered operational constraints for the ACS.

Sexual orientation has been successfully asked of 15-year-olds on health and education surveys and is the most used minimum age among English-speaking countries (NASEM 2022). In the context of the ACS, the sexual orientation question is asked in a section of the survey that is applicable to anyone 15 and older (other questions in that section include those related to marital status, marital history, fertility, employment, and income).

Gender Identity

- We received a variety of responses related to the use of a two-step question to collect information on gender. Specifically, 15 comments expressed objection to a “transgender” category in the current gender question, four responses objected to the first part of the two-step gender measure that asks for sex assigned at birth, and five comments suggested asking a different question altogether.

The NASEM report and the OMB Best Practices report convey that the two-step gender measure has become an increasingly common and validated measure understood by both cisgender and transgender people. A benefit of the two-step measure is that it typically identifies a wider range of transgender people than a stand-alone measure of transgender status. Research related to the National Crime Victimization Survey showed that when offered the gender identity responses of “male,” “female,” or “transgender,” half of the respondents categorized as transgender were recorded as such because they selected a binary gender identity different from the sex that was assigned to them at birth; the other half chose the term “transgender” to describe their gender identity (Truman et al., 2019).

Further, the NASEM report did not recommend more detailed subcategories because of concerns including privacy and confidentiality for small groups, among others. In the proposed question, if a respondent wants to indicate, for instance, that they are a “transgender male/man” or “transgender female/woman” they can do so through a write-in response and/or marking all that apply.

The potential for gender reporting categories in published data, as outlined in the OMB Best Practices report, is greater for a two-step measure compared to a one-step measure. This is a benefit for Federal agencies that have expressed interest in and identified legal uses for information on gender identity for civil rights and equal employment enforcement.

Recognizing that testing is required to ensure changes or new question wording are well understood by the population surveyed and provide accurate results, the Census Bureau is not considering alterations to the proposed two-step measure at this time. To gain further insights the Census Bureau is proposing to add an open-ended write-in question to gather additional information about a person's sexual orientation and gender identity response options for research purposes.

- We received 14 comments about either adding “intersex” as a response option for the sex assigned at birth question or adding a separate question about intersex status. We recognize that binary response options do not account for the complexity of reporting for people with sex traits that may not correspond to those of a single sex. The NASEM report identifies that research on an intersex question is needed to ensure changes or new question wording are well understood by the population surveyed and provide accurate results. Before field testing, we need to gain further insights with question wording. The Census Bureau will ask about intersex status in cognitive testing and will add an open-ended write-in question to the field test to gather additional information about a person's sexual orientation and gender identity response options for research purposes. It will be considered for field testing in the future. Further, Census Bureau staff are active participants in the international statistical community and are aware of countries that are considering how they might collect data on “intersex” people in their future data collections. The Census Bureau continues to monitor these methodological advances within the global community.
- We received six comments about adding “Two-Spirit” as a response option for the gender question or both the gender and sexual orientation questions. At this time, we are not exploring adding “Two-Spirit” as a response option. However, we are familiar with Two-Spirit as a term generally for specific gender and sexual orientation identities that are centered in Indigenous tribal worldviews, practices, and knowledge. While the proposed sexual orientation and gender questions do not include a Two-Spirit response option, both questions allow respondents to indicate “I use a different term” with space where Two-Spirit may be written in. While allowing for write-in responses will make data processing more complex, the Census Bureau is well versed in handling write-in responses. Given the current pace of change around gender issues in general and specifically around terminology and categories of self-identification, it will likely be necessary to continue to monitor write-in response patterns and consider expanding response options in the future.

- We received eight comments that expressed concern about undue burden placed on LGBTQI+ respondents and concerns about the verification question causing respondents to feel like their identity is an “error.” Given the small size of the gender minority population, errors in reporting from the larger population can have a great impact on data for gender minorities. Existing research suggests the use of a verification question helps eliminate false positive responses and results in better data. Several general population surveys currently use a verification question, and the NASEM report recommends asking verification questions for the two-step gender question. The test proposes giving a verification question to anyone whose sex assigned at birth response and current gender response do not match. Further the Census Bureau is suggesting research to expand knowledge related to measurement error and possible burden in using a verification question by asking the verification question for all respondents when their answers do match. This research will inform plans for the use of the verification question moving forward.
- We received five comments related to replacing sex-based terms (e.g., male, female) with gender-based terms (e.g., man/boy, woman/girl) in the current gender question. We are aware that people confound sex and gender, and we have familiarity with the research on the use of sex-based versus gender-based terms. Despite male and female being response options in both the sex assigned at birth question and the current gender question, we have made clear in the question stem what information is being asked. Our current wording is as recommended in the NASEM report. While more empirical testing is needed, we are not considering a change in terms at this time.
- We received six comments that the sex assigned at birth response options should be in alphabetical order. That is, they should be changed from the way they currently appear with “male” followed by “female” to “female” followed by “male.” There are a variety of considerations that go into response option ordering including the nominal size of the population, alphabetical ordering, and usability in existing data collections. The latter consideration is the most relevant at this time as there is a serious concern about how an inconsistency in the order of the categories across Census Bureau surveys could lead to interviewers who work on multiple surveys to select the wrong response option out of habit. This potential for error leads the Census Bureau to not pursue this suggestion at this time, but to consider it for future discussion in coordination with other Census Bureau surveys.
- We received three comments in support of using “mark all that apply” for the current gender question and one comment that we should not use “mark all that apply.” The OMB Best Practices report suggests that giving respondents the option to mark all that apply eliminates the need for respondents to choose between multiple ways they may identify their gender. For instance, including a mark all that apply instruction allows for those who align with binary response options to also identify as transgender, nonbinary, or to write in a different term. To gain further insights, the Census Bureau is proposing to add an open-

ended write-in question to gather additional information about a person's sexual orientation and gender identity response options for research purposes.

- We received three comments to add language prior to the sexual orientation and gender identity question to address why we ask these questions and how the gathered information will be used. Because space is limited on the questionnaires, this information is available in the help text that accompanies each question for electronic modes, which includes information about why these questions are asked and uses for these data. Similarly, we received three comments to include definitions for all terms used for SOGI questions; this information can also be found in the help text.
- We received two comments suggesting switching the order of the sex assigned at birth and current gender questions. The NASEM report and the OMB Best Practices report both support the proposed order because it is chronological and provides context for cisgender people to think of their gender as an identity. Existing research is inconclusive when considering the order of these questions and how that impacts data quality and respondent's perception of the questions being a "check" on one's response. More research is needed in this area. At this time, the Census Bureau is not considering changing the order of these questions.
- We received two comments about changing the current gender question response option of "non-binary" to "gender non-binary" and including "gender nonconforming" as an option. At this time, we are not exploring making this response option change and addition. However, the current gender question allows respondents who indicate "I use a different term" to write in such responses. To gain further insights, the Census Bureau is proposing to add an open-ended write-in question to the test to gather additional information about a person's sexual orientation and gender identity response options for research purposes.
- We received one comment that the sex assigned at birth question should retain the recommended birth certificate language in the NASEM report and the OMB Best Practices report. The Census Bureau is proposing not to include mention of birth certificates in the question "What sex was <Name> assigned at birth?" We received many positive comments about removing this phrase. Including birth certificate language in the sex assigned at birth question is problematic for several reasons on a survey like the ACS. Several states have added an option to record sex as "X" on birth certificates, which is not consistent with our response options. In addition, residents of the United States who were born in other countries may not have a birth certificate to refer to. Additionally, this research will add to existing knowledge about the impact of not including language about birth certificates (see [Asking About SOGI in the CPS: Cognitive Interview Results \(census.gov\)](#)).
- We received one comment about including a specific research objective to measure the impact of adding the "nonbinary" response option in the current gender question. As part

of our research, we will evaluate the number and distribution of nonbinary responses relative to other comparison data. Additionally, we are doing cognitive testing in English and Spanish and will learn more about how people understand and interpret the category. To gain further insights, the Census Bureau is proposing to add an open-ended write-in question to the test to gather additional information about a person's sexual orientation and gender identity response options for research purposes.

- We received one comment objecting to using the word “assigned” in the sex assigned at birth question. Both the NASEM report and the OMB Best Practices report suggest a question that asks for sex assigned at birth. However, we are active participants in the international statistical community and continue to learn from our international partners that have asked about sex “assigned” at birth and are now receiving feedback. The Census Bureau will continue to monitor any survey design improvements and look for question wording testing when it becomes available.
- We received one comment in opposition to allowing a write-in field for the sexual orientation and current gender questions. The NASEM report and the OMB Best Practices report both support the use of a write-in response option. Research in recent years has suggested an improved approach asking if “This person uses a different term” (with a space to write in a response) instead of an “Other” response option with a write-in. While allowing for write-in responses will make data processing more complex, the Census Bureau is well versed in handling write-in responses. Given the current pace of change around gender issues in general and specifically around terminology and categories of self-identification, it will likely be necessary to continue to monitor write-in response patterns and consider expanding future response options.

Sexual Orientation

- We received 11 comments suggesting we add categories to the sexual orientation question (either in the proposed test or in future research).
 - o Two comments suggested we consider adding more categories, without specifying which ones. Commentators also suggested we consider adding response categories for larger identity groups such as “asexual” (five comments), “pansexual” (four comments), and “queer” (four comments). The proposed sexual orientation question follows NASEM best practices by not including these as explicit response options, but allowing for a write-in. The Census Bureau will evaluate these write in responses from the field test to determine whether additional response categories may be needed in the future.
 - o Commentators also suggested we add an “I don’t know” or “questioning” response category (four comments) for people who are unsure of their current sexual orientation.

ACS respondents are encouraged to answer the survey questions to the best of their ability. Respondents can also use the write-in category.

- One comment suggested adding an “I don’t understand the question” category. Respondents who do not understand the question access help text in the internet instrument or ask an interviewer for clarification. Cognitive testing will also be conducted to help improve question wording that may be tested in the future.
- Two comments suggested we add a “Two-Spirit” option for respondents who identified as American Indian or Alaskan Native (AIAN). AIAN respondents who identify as Two-Spirit can indicate so in the write-in response. The Census Bureau will evaluate these write in responses from the field test to determine whether additional response categories may be needed.
- We received eight comments about the wording of the response category “straight, that is not gay or lesbian.” In general, commentators were concerned that the phrase “that is not gay or lesbian” is confusing, heteronormative, or inaccurate since it does not include other identities such as bisexual, pansexual etc.
 - Six comments suggested removing the phrase “that is not gay or lesbian” altogether. Of these six, two suggested changing the category to “straight or heterosexual,” while one suggested “straight, that is, attracted to people not of one’s own gender.” The proposed straight response category for the field test follows the NASEM report’s best practices suggestions. The “not gay or lesbian” text is designed to help straight respondents unfamiliar with the term “straight” determine how to classify themselves correctly and has worked well for that purpose in surveys. We appreciate the comments pointing out the drawbacks of including “that is not gay or lesbian” in the “straight” category. We will keep the suggestion to remove this language in mind for future research.
 - Two comments suggested adding bisexual, so that the category reads “straight, that is not gay, lesbian, or bisexual.” Past research has shown that respondents unfamiliar with sexual orientation terminology can misunderstand the term “bisexual” (Miller and Ryan 2011). Therefore, including it (i.e., changing the text to “that is not gay, lesbian, or bisexual”) may confuse the very respondents whom the text is designed to help. Some version of the “that is not gay or lesbian” text, without bisexual included, has been used successfully by federal surveys (e.g., the Census Bureau’s Household Pulse Survey, the National Health Interview Survey, the National Survey of Family Growth).
- We received four comments about the response category “gay or lesbian.”
 - Three comments suggested that we have separate response categories for “gay” and “lesbian.” Commentators were concerned that disaggregating the combined “gay or

lesbian” category into homosexual men (gay) and homosexual women (lesbian) would prove difficult. They were also concerned that women who identify as gay as a more general term may select this option and be incorrectly coded as lesbian. The proposed “gay or lesbian” response category for the field test follow the NASEM report’s best practices and has been used successfully in federal surveys (i.e., NCVS, NHIS, NSFG, HPS).

- One comment expressed confusion about the “gay or lesbian” category, asking if it was a stand-in for homosexual. “Gay or lesbian” is better understood than “homosexual” for most respondents (Miller and Ryan 2011). Respondents who are confused about what the “gay or lesbian” category refers to can open the help text, which says that this category is sometimes known as “homosexual.”
- We received two comments suggesting we change the sexual orientation question to “mark all that apply.” The proposed sexual orientation response categories for the field test follow the NASEM report’s best practices. We are not aware of any major surveys that have used a “mark all that apply” response category for sexual orientation. Respondents who think of themselves as more than one of the provided categories can indicate this using the write-in box.
- We received three comments about the ordering of sexual orientation response categories. Two comments suggested listing response categories alphabetically to avoid seeming to prioritize any group. One comment suggested listing “bisexual” second after “gay or lesbian,” in conjunction with changing the straight response option to “straight, that is not gay, lesbian, or bisexual.” The proposed sexual orientation response categories and their order follow the NASEM report’s best practices. Listing the categories alphabetically would list bisexual first, which may be confusing to respondents since bisexual is not included in the explanatory text in the straight category (i.e., “straight, that is not gay or lesbian”).
- We received one comment suggesting we change the question wording to “Which of the following best represents <Name’s> sexual orientation?” The proposed sexual orientation question wording follows the NASEM report’s best practices. The proposed text of the question for sexual orientation is based on current recommendations for best practices and follows other surveys who have implemented such questions. The term “sexual orientation” may be difficult for some respondents to understand.
- We received one comment suggesting that for future research, we consider adding measures of sexual attraction and behavior. This is beyond the scope of this test. To add questions to the ACS, a federal agency would have to submit a request proving a legal need for sexual attraction or behavior data from the ACS.

The Census Bureau published a 30-day notice of our intent to conduct the 2024 Sexual Orientation and Gender Identity Test for the ACS in the April 29, 2024, edition (Vol. 89, No. 83, pages 33314-33315) of the Federal Register (FR Doc. 2024-09101). The Census Bureau received 86 public comments on this

information collection submission. A summary of the comments received and the Census Bureau’s response are below. Note that the count of comments below sums to more than 86 as one public comment could contain several statements or suggestions.

General Comments

	Sexual Orientation	Gender Identity	Both SO and GI	Other	Topic not Indicated	TOTAL
Oppose Test/Change	2	10	17	4 (safety, sex at birth)	2	35
Support Test/Change			27	2 (safety, misuse of data)	2	31
Not indicated	4	4	7	6 (transgender, intersex, safety, 2030)	2	23

Objections Raised

- 11 responses were received that opposed adding questions about gender identity because they felt that gender is only biological and a person cannot choose or change their gender.
- 5 responses objected to the topics because they felt that the questions were an invasion of privacy
- 6 responses raised concerns about misuse of the data
- 5 responses indicated a concern that SOGI is a political issue that should not be addressed
- 2 responses identified the test as a waste of money
- 2 responses opposed including gender identity questions but did not indicate the reason for their objection
- 1 comment expressed concern that changing wording of the sex question will change longitudinal data for comparison and research
- 1 commenter was concerned that staff would quit if they have to ask the question

- 1 person suggested that if another agency needs the data they should collect it, not Census
- 1 person felt that the concepts cannot be clearly defined and therefore we shouldn't ask about it

Support for the Questions

- 18 responses supported the questions because the data is needed and important
- 6 responders did not provide a clear reason for supporting the questions and test or just indicated that the questions are overdue
- 4 commenters felt that the questions were important because then LGBTQA+ people would be counted and seen
- 2 supported the test but expressed concerns about the data's potential for misuse
- 1 comment stated a preference for version 1

Comments Received that did not provide clear support or opposition to the test or questions

- 14 Provided suggestions about wording/categories
- 1 response mentioned concern about accuracy of proxy response/reliability
- 0 responses raised concerns about the quality of Transgender data
- 3 responses mentioned measuring the Intersex population
- 1 response requested information about how the Census Bureau was planning to tabulate couples
- 2 raised concerns about misuse of the data, the need to protect the data and people's privacy
- 1 indicated they would not answer the questions
- Several commenters seemed to think the proposal was for 2030 or were asking that the questions be included on the 2030 Census.

Sexual Orientation

- We received nine comments suggesting we add categories to the sexual orientation question. Commentators suggested we consider adding the response categories “asexual” (three comments), “pansexual” (four comments), “queer” (one comment), and “questioning” (one comment) to the sexual orientation question. The proposed sexual orientation question follows NASEM best practices by not including these as explicit response options, but allowing for a write-in. The Census Bureau will evaluate these write in responses from the field test to determine whether additional response categories may be needed.
- We received one comment suggesting listing the straight category after a “bisexual or pansexual” category, in conjunction with changing the straight response option to “straight, that is not gay, lesbian, or bisexual/pansexual.” The proposed sexual orientation response categories and their order follow the NASEM report’s best practices.
- We received three comments about the wording of the response category “straight, that is not gay or lesbian.”
 - Two commentators suggested removing the phrase “that is not gay or lesbian” from the straight category. The proposed straight response category for the field test follows the NASEM report’s best practices suggestions. The “not gay or lesbian” text is designed to help straight respondents unfamiliar with the term “straight” determine how to classify themselves correctly and has worked well for that purpose in surveys. We appreciate the comments pointing out the drawbacks of including “that is not gay or lesbian” in the “straight” category. We will keep the suggestion to remove this language in mind for future research.
 - One comment suggested including all listed categories in the phrase “that is not...,” so that the category reads “straight, that is not gay, lesbian, or bisexual/pansexual.” Past research has shown that respondents unfamiliar with sexual orientation terminology can misunderstand the term “bisexual” (Miller and Ryan 2011). Therefore, including it (i.e., changing the text to “that is not gay, lesbian, or bisexual”) may confuse the very respondents whom the text is designed to help. Some version of the “that is not gay or lesbian” text, without bisexual included, has been used successfully by federal surveys (e.g., the Census Bureau’s Household Pulse Survey, the National Health Interview Survey, the National Survey of Family Growth).
- We received two comments about the response category “gay or lesbian.”
 - One comment suggested that we have separate response categories for “gay” and “lesbian.” The proposed “gay or lesbian” response category for the field test follows the NASEM report’s best practices and has been used successfully in federal surveys (i.e., NCVS, NHIS, NSFG, HPS).
 - One comment suggested that we capitalize “Lesbian” so that the category reads “Gay or Lesbian.” This commentator was concerned that capitalizing only “gay” diminishes the

importance of the “lesbian” category. The proposed capitalization follows sentence case capitalization, as is the norm for response categories in the ACS. As “lesbian” is neither the first word nor a proper noun, it will not be capitalized. The proposed “gay or lesbian” response category for the field test follow the NASEM report’s best practices and has been used successfully in federal surveys (i.e., NCVS, NHIS, NSFG, HPS).

- We received one comment suggesting moving the sexual orientation question to right after the gender identity question. While this may make sense in other surveys (such as the HPS), in the ACS gender identity is asked at the beginning of the survey when we collect a roster of people in the household. In that context, it does not make sense to place sexual orientation right after gender identity, as it may impact rostering.
- We received one comment suggesting that we make the sexual orientation question a fully open-ended response question. The proposed format of the question for the field test follows the NASEM report’s best practices suggestions. The sexual orientation question includes a write-in response option for those who wish to write-in their identities. Recent research has shown that respondents are more likely to provide invalid answers to a fully open-ended question, making it less effective than fixed-choice categories for capturing sexual orientation (Pao 2024, Garbarski et al. 2024)
- We received one comment suggesting that we remove the note “another term that may be used for gay or lesbian is homosexual” from the help text. Commentators felt the note was unnecessary and may stigmatize respondents, deterring them from answering. The Census Bureau will consider revising the help text to balance the need for the guidance with the sensitivity of the subject matter.
- We received two suggestions about reliability testing from the same commentator. This commentator suggested that, for the purpose of reliability testing, we upcode a provided list of monosexually-oriented write-in responses to the “bisexual” category. The commentator also suggested we use the broader categories of straight and sexual minorities when reporting accuracy and reliability. We appreciate this feedback and will consider it as we develop our coding and evaluation plans.

Gender Identity

- Seven comments were related to the use of a two-step question to collect information on gender. Comments included concern about the sex assigned at birth question, the use of “transgender” as a response option in the current gender questions, and general suggestions about alternative questions layouts.

The NASEM report and the OMB Best Practices report convey that the two-step gender measure has become an increasingly common and validated measure understood by both cisgender and transgender people. A benefit of the two-step measure is that it typically identifies a wider range of transgender people than a stand-alone measure of transgender status. Research related to the National Crime Victimization Survey showed that when offered

the gender identity responses of “male,” “female,” or “transgender,” half of the respondents categorized as transgender were recorded as such because they selected a binary gender identity different from the sex that was assigned to them at birth; the other half chose the term “transgender” to describe their gender identity (Truman et al., 2019).

Further, the NASEM report did not recommend more detailed subcategories because of concerns including privacy and confidentiality for small groups, among others. In the proposed question, if a respondent wants to indicate, for instance, that they are a “transgender male/man” or “transgender female/woman” they can do so through a write-in response and/or marking all that apply.

The potential for gender reporting categories in published data, as outlined in the OMB Best Practices report, is greater for a two-step measure compared to a one-step measure. This is a benefit for Federal agencies that have expressed interest in and identified legal uses for information on gender identity for civil rights and equal employment enforcement.

- We received 6 comments about adding “intersex” as a response option for the sex assigned at birth question and two comments encouraging the Census Bureau to engage with federal agencies to learn about their need for data on the size of the population with intersex traits in the United States. First, we recognize that binary response options do not account for the complexity of reporting for people with sex traits that may not correspond to those of a single sex. The NASEM report identifies that research on an intersex question is needed to ensure changes or new question wording are well understood by the population surveyed and provide accurate results. Before field testing, we need to gain further insights with question wording. Second, the Census Bureau will ask about intersex status in cognitive testing and will add an open-ended write-in question to the field test to gather additional information about a person’s sexual orientation and gender identity response options for research purposes. It will be considered for field testing in the future. Further, Census Bureau staff are active participants in the international statistical community and are aware of countries that are considering how they might collect data on “intersex” people in their future data collections. The Census Bureau continues to monitor these methodological advances within the global community.
- We received two comments about adding additional response options for the current gender question. At this time, we are not exploring adding any new response options. The current gender both questions allow respondents to indicate “I use a different term” with space where terms can be written in. While allowing for write-in responses will make data processing more complex, the Census Bureau is well versed in handling write-in responses. Given the current pace of change around gender issues in general and specifically around terminology and categories of self-identification, it will likely be necessary to continue to monitor write-in response patterns and consider expanding response options in the future.
- One comment addressed the shift from collecting information on sex in the American Community Survey (ACS) to collecting information on gender. The commenter pointed out that the ACS is a primary source used by researchers to examine change over time in demographic,

social and economic characteristics. As part of our data evaluation, we will be examining this concern by looking at distribution differences between the test gender data and previous ACS sex distributions, as well as other data sources. Additionally, this is an area of research that the international statistical community is grappling with. Canada and New Zealand modernized their most recent censuses using gender as the default demographic. They are currently evaluating distributional difference and when published these data will expand understanding on this issue.

- We received two comments related to replacing sex-based terms (e.g., male, female) with gender-based terms (e.g., man/boy, woman/girl) in the current gender question. We are aware that people confound sex and gender, and we have familiarity with the research on the use of sex-based versus gender-based terms. Despite male and female being response options in both the sex assigned at birth question and the current gender question, we have made clear in the question stem what information is being asked. Our current wording is as recommended in the NASEM report. While more empirical testing is needed, we are not considering a change in terms at this time.
- We received two comments that response options for the sex assigned at birth and current gender questions should be ordered alphabetically or according to population size. There are a variety of considerations that go into response option ordering. Currently, usability in existing data collections is deemed to be the most relevant. There is a serious concern about how an inconsistency in the order of the categories across Census Bureau surveys could lead to interviewers who work on multiple surveys to select the wrong response option out of habit. This potential for error leads the Census Bureau to not pursue this suggestion at this time, but to consider it for future discussion in coordination with other Census Bureau surveys.
- We received one comment that expressed concern about undue burden placed on LGBTQI+ respondents. Given the small size of the gender minority population, errors in reporting from the larger population can have a great impact on data for gender minorities. Existing research suggests the use of a verification question helps eliminate false positive responses and results in better data. Several general population surveys currently use a verification question, and the NASEM report recommends asking verification questions for the two-step gender question. The test proposes giving a verification question to anyone whose sex assigned at birth response and current gender response do not match. Further the Census Bureau is suggesting research to expand knowledge related to measurement error and possible burden in using a verification question by asking the verification question for all respondents when their answers do match. This research will inform plans for the use of the verification question moving forward.
- We received one comment suggesting switching the order of the sex assigned at birth and current gender questions. The NASEM report and the OMB Best Practices report both support the proposed order because it is chronological and provides context for cisgender people to think of their gender as an identity. Existing research is inconclusive when considering the order of these questions and how that impacts data quality and respondent's perception of the

questions being a “check” on one’s response. More research is needed in this area. At this time, the Census Bureau is not considering changing the order of these questions.

- We received two suggestions about how to examine the validity of transgender and cisgender classifications derived from measures of sex assigned at birth and gender identity from one commentator. The commentator also recommended a coding schema for classifying respondents as transgender and cisgender. We appreciate this feedback and will consider it as we develop our coding and evaluation plans.
- We received two comments about the gender categories that should be used for published data. One comment cautioned against summarizing published data into the binary options of Male+ and Female+ as it erases gender information. Another commenter suggested publishing information for “Transgender Female” and “Transgender Male” if privacy and confidentiality standards are met. We appreciate this feedback and will consider it as we develop our evaluations plans and outline for published data.
- We received one comment to add a question about people’s preferred pronouns. It was suggested that this would aid in understanding preferences and shed light on the use of gender-neutral pronouns. At this time, the Census Bureau is not considering the addition of any new questions in the test.
- One comment suggested that age for the gender identity question should be raised to age 18+ (from age 15+). The rationale provided was that adolescents under age 18 may be more likely to express “gender non-contentedness” and many outgrow this by age 18. In deciding on the age, we looked at age ranges for SOGI questions on existing surveys and sought to balance the needs of federal agencies with the ages at which people begin to develop gender and sexual orientation identities. We also considered operational constraints for the ACS.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

The Census Bureau does not pay ACS respondents or provide respondents with gifts.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

The Census Bureau collects data for this test under Title 13, United States Code, Sections 141, 193, and 221. All data are confidential under Section 9 of that Title. In accordance with Title 13, each household participating in the ACS is assured of the confidentiality of their answers. Confidentiality information is sent to sampled housing units in the initial mailing. Respondents using the internet questionnaire are presented with additional assurances of the confidentiality and security of their online responses. At the beginning of the nonresponse followup interviews and CFU Follow-up Reinterviews, the interviewer will explain the confidentiality of data collected and that participation

is required by law. The interviewer may also give the household respondent a copy of a letter explaining the confidentiality of all information provided and an FAQ brochure, as appropriate.

ACS data collection is covered under the COMMERCE/CENSUS-5 Decennial Census Programs system of records notice (SORN). Records are maintained to perform methodological evaluations and enhancements for data collection and quality control studies, and to undertake linkages with survey and administrative data for statistical projects, as authorized by law. Additional information can be found here: <https://www.osec.doc.gov/opog/PrivacyAct/SORNs/census-5.html>

The Associate Directorate for Decennial Census Programs (ADDCP) American Community Survey Office (ACSO) IT system maintains the ACS data stored and processed on Census Bureau servers. This system interacts with other Census Bureau IT systems to collect, process, and store data. The Privacy Impact Assessment (PIA) for the American Community Survey can be found here: https://www.osec.doc.gov/opog/privacy/census%20pias/ADDCP-ACS-PIA_SAOP_Approval_Delegated.pdf

Related PIAs referenced in that document are located here: <https://www.osec.doc.gov/opog/privacy/Census-pias.html>

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

Some of the data the Census Bureau currently collects, such as race and sources of income and assets, and the SOGI questions that will be added in this test, may be considered to be of a sensitive nature. The Census Bureau takes the position that the collection of these types of data are necessary for the analysis of important policy and program issues and has structured the questions to lessen their sensitivity. Questions on the ACS are designed to meet the needs of federal government agencies. New or modified question proposals are considered on a regular basis. Changes to content must be proposed by a federal agency with a data need meeting the requirements for changes, additions, or deletions to the ACS. All content is in line with the [Census Bureau Policy for ACS Content \(census.gov\)](#).

Questions on race and ethnicity follow the OMB [Standards for the Classification of Federal Data on Race and Ethnicity](#). The SOGI questions included in this test include considerations of OMB's [Recommendations on the Best Practices for the Collection of Sexual Orientation and Gender Identity Data on Federal Statistical Surveys \(whitehouse.gov\)](#). [Based on the results of the 2024 ACS SOGI Test the Census Bureau may propose to add SOGI questions to the ACS. This proposal would be part of a future Federal Register Notice for public feedback and clearance from OMB.](#)

The Census Bureau also provides guidance to interviewers on how to ask these types of questions during respondent interviews. The Census Bureau has materials that demonstrate how we use the data from sensitive questions, and how we keep that data confidential. Respondents who use the internet to complete the survey have access to links on the survey screens that provide information to help address their questions or concerns with sensitive topics.

12. Provide estimates of the hour burden of the collection of information.

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included under ‘Annual Cost to Federal Government’ (Item #14).**

The sample size for the 2024 ACS SOGI Test is 480,000 housing unit addresses. The Census Bureau estimates that, for the average household, the survey will take approximately 40 minutes to complete, including the time for reviewing the instructions and answers. The estimated number of respondents is 281,000.

The Census Bureau plans to conduct a Content Follow-up Reinterview for responding housing unit addresses. The Census Bureau estimates the average time for the follow-up will be 20 minutes. The estimated number of respondents for the follow-up reinterview is 88,000.

The Census Bureau has based these estimates of the average length of time on our previous ACS tests and on experiences with forms of comparable lengths used in previous censuses and tests. The total number of respondent burden hours for this test is 216,819 hours. See Table 1 for the respondent and burden hour estimates; see Table 2 for the cost estimate.

Table 1. Estimated Annualized Respondent Burden Hours

Description of Test	Forms of Instrument Used	Type of Respondent	Estimated number of	Average Burden per	Total Burden
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Activity	in Data Collection		respondents	Response (in minutes)	Hours
2024 ACS SOGI Test	ACS-1(X)SGA, ACS-1(X)SGO, Online survey, CAI Telephone and In-Person interviews	Household Respondent	281,000	40	187,427
Content Follow-up Reinterview	Online survey, Telephone survey	Household Respondent	88,000	20	29,392
Total					216,819

Table 2. Estimated Annualized Respondent Costs

Type of Respondent	Number of Respondents	Number of Responses per Respondent	Average Burden per Response (in minutes)	Hourly Wage Rate*	Total Burden Costs
Household Respondent	281,000	1**	40	\$29.76	\$5,575,059
Content Follow-up Household Respondent	88,000	1**	20	\$29.76	\$874,706
Total	--	--	--	--	\$6,449,765

*The wage rate for household respondents is estimated based on mean hourly wage rate among all occupations as reported by the Bureau of Labor Statistics as of May 2022. BLS's *Occupational Outlook Handbook* <https://www.bls.gov/bls/blswage.htm>

** Note that addresses selected to complete the Content Follow-up Reinterview will have also completed the original household interview. In some cases it may be the same respondent, in others it may be a different respondent in the household.

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

There are no capital or ongoing maintenance costs associated with this information collection. There are no direct costs to the respondent for responding to the American Community Survey.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

As requested in the FY2024 President's Budget, the estimated annual cost (for a limited number of years) of the 2024 ACS SOGI Test is approximately \$10 million. The Census Bureau will pay the total cost of the test.

15. Explain the reasons for any program changes or adjustments reported in ROCIS.

As an ongoing testing program, the ACS plans testing in 3-year increments in line with the OMB Clearance process. The 2024 ACS SOGI Test proposed here is in reaction to an emerging request from federal agencies related to ACS questionnaire content and data collection materials. As a recent request, this test and the associated public burden was not planned for in the original submission for the Methods Panel program.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The 2024 ACS SOGI Test will begin with self-response data collection in August 2024. Content Follow-up (CFU) Reinterview data collection will begin a few weeks later, with data collection for self-response and CFU expected to end in the late 2024/early 2025. Data collected in the test will be coded and analyzed after data collection ends. The Census Bureau will publish at least one report discussing the results of the test roughly 18 months later. This timing allows time to code write-in responses, conduct thorough analysis, document the findings accurately, and apply disclosure protections to the summary report.

The timing of the Nonresponse follow-up data collection with a CFU followup reinterview is still being determined. Data collection for the test is expected to last for several months because of the workload once it begins. A separate report will be produced for the nonresponse follow-up portion of the test approximately 18 months after the completion of data collection. It is expected that the nonresponse followup portion of the test would start no earlier than the spring of 2025.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

The 2024 ACS SOGI Test will display the expiration date on materials in line with the methods used for the production ACS. We request that we not display the OMB expiration date on the paper questionnaire. The ACS is an ongoing and continuous survey that is mandatory. If there is an expiration date on the questionnaire, respondents may infer that the survey is over as of the expiration date, which is not the case.

18. Explain each exception to the certification statement identified in “Certification for Paperwork Reduction Act Submissions.”

The Census Bureau certifies compliance with [5 CFR 1320.9](#) and the related provisions of [5 CFR 1320.8\(b\)\(3\)](#).