

## **JUSTIFICATION FOR A NON-MATERIAL/NONSUBSTANTIVE CHANGE TO OMB 1105-0030, Electronic Applications for the Attorney General's Honors Program and the Summer Law Intern Program**

1. **Circumstances of the Change:** In 2023, the Office of the Chief Statistician of the United States developed a report to provide recommendations for Federal agencies on the current best practices for the collection of self-reported sexual orientation and gender identity (SOGI) data on Federal statistical surveys. See [Recommendations on the Best Practices for the Collection of Sexual Orientation and Gender Identity Data on Federal Statistical Surveys \(whitehouse.gov\)](https://www.whitehouse.gov/omb/equity/recommendations-on-the-best-practices-for-the-collection-of-sexual-orientation-and-gender-identity-data-on-federal-statistical-surveys) This was in response to Section 11 of Executive Order 14075 on Advancing Equality for Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Individuals issued by the White House in June 2022. (See [Executive Order on Advancing Equality for Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Individuals | The White House](https://www.whitehouse.gov/presidential-actions/2022/06/advancing-equality-for-lgbtq-people/) . It suggests a slightly different way of listing Gender and Sexual Orientation.
2. **Effective Date:** These provisions do not mandate any particular approach or create any new requirements for the agency at this time. SOGI measures need to be flexible and adapt over time to maintain usefulness.
3. **Office of Attorney Recruitment and Management (OARM) Action:**

As required by the Paperwork Reduction Act (PRA), Federal agencies must ensure that all survey questions provide useful data that meet the intended purposes without unduly burdening respondents. OARM uses SOGI questions to determine whether our recruitment and outreach effectively reaches all demographic groups within the law school population so that we can evaluate the effectiveness of our recruitment efforts in support of the agency. This data is annually reported to hiring offices within the Department. We aspire to minimize burden and privacy risk to respondents, and collect only the minimum amount of information needed to meet the planned uses. Responses are electronically segregated from each application and accessed only in an aggregate, numeric manner not linked to a particular applicant.

There is no single, best practice set of questions for soliciting information about a person's sexual orientation or gender identity. One of the examples offered in the 2023 [Recommendations on the Best Practices for the Collection of Sexual Orientation and Gender Identity Data on Federal Statistical Surveys \(whitehouse.gov\)](https://www.whitehouse.gov/omb/equity/recommendations-on-the-best-practices-for-the-collection-of-sexual-orientation-and-gender-identity-data-on-federal-statistical-surveys), reflect a minimally detailed approach to collecting gender identity that can provide higher-level results that meet data needs while minimizing burden, sensitivity, and privacy risk. This approach adds a third response option to traditional binary measures and collects only basic information about an individual's current gender identity. Surveys that currently collect gender using only binary response options (i.e., "male"/"female") can use this approach to update to a more inclusive question.

CURRENT VERSION	NEW VERSION
<p><b>Gender</b></p> <p> <input type="radio"/> Male  <input type="radio"/> Female  <input type="radio"/> Decline to answer         </p> <p><b>Sexual Orientation and Gender Identity - Select all that apply</b></p> <p>Do you consider yourself to be:</p> <p> <input type="checkbox"/> Heterosexual or straight  <input type="checkbox"/> Gay or Lesbian  <input type="checkbox"/> Bisexual  <input type="checkbox"/> Transgender  <input type="checkbox"/> Other  <input type="checkbox"/> Decline to answer         </p>	<p><b>Gender Identity</b></p> <p>Do you consider yourself to be (you may select all that apply):</p> <p> <input type="checkbox"/> Male  <input type="checkbox"/> Female  <input type="checkbox"/> Transgender, non-binary, or other gender  <input type="checkbox"/> Decline to answer         </p> <p><b>Sexual Orientation</b></p> <p>Which of the following do you consider yourself to be? You may select as many as apply.</p> <p> <input type="checkbox"/> Heterosexual or straight  <input type="checkbox"/> Gay or Lesbian  <input type="checkbox"/> Bisexual  <input type="checkbox"/> A different term  <input type="checkbox"/> Decline to answer         </p>

This change is limited to the format of optional demographic information provided by eligible applicants to the Attorney General’s Honors Program and the Summer Law Intern Program and will be effective with the 2024 hiring cycle. Responses are completely voluntary. Applicants may opt not to respond, or may opt to select one or more of the responses listed. There is no impact on the public burden or cost.