



James Firman, Chair

March 22, 2018

Re: Agency Information Collection Activities; Submission for OMB Review; Comment Request; Revision of Existing Data Collection; National Longitudinal Survey of Older Americans Act Participants (NLSOAAP), OMB Control No. 201802-0985-002, FR Doc. 2018-03390

VIA E-MAIL: OIRA_submission@omb.eop.gov

ATTN: OMB Desk Officer for ACL

The Leadership Council of Aging Organizations (LCAO) is writing to request that the Office of Management and Budget (OMB) take action to ensure that the redesigned National Survey of Older Americans Act Participants (NSOAAP) adequately assesses the extent to which programs funded under the Older Americans Act (OAA) serve all lesbian, gay, bisexual, and transgender (LGBT) older adults.

Since 1980, LCAO has been the country's preeminent coalition representing older Americans. Comprised of 70 national nonprofit organization members, LCAO focuses on the well-being of America's older population and is committed to representing their interests in the policy-making arena. LCAO serves as a source of information about issues affecting older persons and provides leadership and vision as America meets the challenges and opportunities presented by our aging society.

We support the decision of the Administration for Community Living (ACL) to continue to collect information about program participants' sexual orientation. This will enable ACL to fulfil its statutory obligation to ensure that funds allocated pursuant to the OAA are being targeted to older adults with "greatest social need," including lesbian, gay, and bisexual older adults, who are often under-served by these programs. At the same time, we are concerned that the proposed Survey will not collect information about the extent to which OAA-funded programs serve the needs of transgender older adults. We strongly encourage OMB to require ACL to fulfil its commitment to conduct further testing to assess whether the proposed Survey – which eliminates the reference to transgender identity contained in prior Surveys – will provide an adequate opportunity to assess the extent to which OAA-funded programs are serving transgender older adults. We further request that OMB not approve a final Survey unless ACL can demonstrate that the Survey will adequately assess the extent to which OAA-funded programs are serving this isolated population.

On September 26, 2017, ACL proposed a new, longitudinal NSOAAP that will collect information on sexual orientation, but would remove any express reference to gender identity (*i.e.*, whether a respondent identifies as transgender). As ACL has acknowledged, during the 60-day comment period, "[o]ver 80% of the submitted comments were about [questions on gender identity]. Specifically, many of the comments were that "we encourage ACL to adopt a measure of gender identity" or "improve the methodology for collecting information about the participation of transgender older adults.'" We agree.

The NSOAAP provides critical data on whether federally-funded aging programs like meals on wheels, family caregiver support, adult daycare, and senior centers reach all older adults. A Survey that does not capture gender identity is fundamentally at odds with Congress's intent that programs funded under the OAA prioritize the neediest and most isolated segments of the population. If ACL does not collect data on the participation of transgender elders, ACL will not have the most basic data on whether the aging network is meeting the needs of this population.

Ironically, the one segment of the LGBT community that ACL has decided to stop collecting data about is the group most likely to have the greatest social and economic need (as defined in the Older Americans Act) and least likely to receive the services and supports they need to live independently. Transgender older adults are even more likely than other LGBT older adults to: suffer from “physical and mental disabilities”; face “cultural, social or geographic isolation”; and have “an income level at or below the poverty line.” At the same time, for transgender older adults, the shortage of culturally competent providers and the fear of discrimination are especially acute. As a result, transgender older adults are at a particularly high risk of not receiving the services and supports that they need to live independently.¹ ACL now seeks OMB approval to conduct “cognitive testing” of the proposed Survey. ACL has committed to assess whether the question in the revised survey that seeks information about respondents’ gender will provide an adequate means to assess whether the OAA programs are serving transgender older adults. We think it is obvious that the Survey is unlikely to collect information about whether respondents are transgender unless it asks them. We therefore urge that OMB condition its approval of ACL’s request to conduct cognitive testing on a requirement that this testing meaningfully assess whether the revised Survey collects information about whether a respondent is transgender. To do so, ACL should engage experts on the collection of sexual orientation and gender identity data.

ACL has committed that, following the cognitive testing, it will make any needed modifications to the Survey before seeking final OMB approval. OMB should not grant final approval to the revised Survey until ACL demonstrates that it is collecting data about the participation of transgender older adults. ACL can do so by following the lead of other federal and state surveys that have successfully implemented procedures to identify transgender respondents, such as the National Crime Victimization Survey, the Behavioral Risk Factor Surveillance System (“BRFSS”), and the California Health Interview Survey.² By collecting this data, and learning more about this population, ACL can ensure that more transgender older adults live independently, minimize the burden on the aging network, and ultimately save taxpayer resources by reaching those who are most vulnerable.

Sincerely,

AARP

Aging Life Care Association

Alliance for Retired Americans

Altarum Center for Elder Care and Advanced Illness

Alzheimer’s Association

AMDA: The Society for Post-Acute and Long-Term Care Medicine

American Association of Service Coordinators

¹ Soon Kyu Choi and Ilan H. Meyer, Williams Inst., *LGBT Aging: A Review of Research Findings, Needs, and Policy Implications* (2016), available at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Aging-White-Paper.pdf>; SAGE, *Out and Visible: The Experiences and Attitudes of Lesbian, Gay, Bisexual and Transgender Older Adults, Ages 45-75* (2014), available at www.sageusa.org/files/LGBT_OAMarketResearch_Rpt.pdf; LGBT Movement Advancement Project & SAGE, *Improving the Lives of LGBT Older Adults* (2010), available at www.lgbtmap.org/file/improving-the-lives-of-lgbt-older-adults.pdf; Richard Wright et al., *Same-Sex Legal Marriage and Psychological Well-Being: Findings from the California Health Interview Survey*, 103 Am. J. Pub. Health (2013); Movement Advancement Project & SAGE, *Understanding Issues Facing LGBT Older Adults* (2016), available at www.lgbtmap.org/file/understanding-issues-facing-lgbt-older-adults.pdf; Sandy E. James et al., Nat’l Ctr. for Transgender Equal., *The Report of the 2015 U.S. Transgender Survey* (2016), available at <http://www.transequality.org/sites/default/files/docs/usts/USTS%20Full%20Report%20-%20FINAL%201.6.17.pdf>; Williams Inst., *Best Practices for Asking Questions to Identify Transgender and Other Gender Minorities on Population-Based Surveys* (2014), available at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/geniuss-report-sep-2014.pdf>; Carina Storrs, *Gender Transitioning for Seniors Has Unique Challenges*, CNN (June 3, 2015), available at <http://www.cnn.com/2015/06/03/health/senior-gender-transition/index.html>; Justice in Aging, *LGBT Older Adults in Long-Term Care Facilities: Stories from the Field* (2015), available at <http://www.justiceinaging.org/customers.tigertech.net/wp-content/uploads/2015/06/Stories-from-the-Field.pdf>

² Survey administrators ask people their sex assigned at birth followed by their current gender identity. See Williams Inst., *Best Practices for Asking Questions to Identify Transgender and Other Gender Minorities on Population-based Surveys*. Available at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/geniuss-report-sep-2014.pdf>

American Federation of Labor-Congress of Industrial Organizations (AFL-CIO)
American Federation of State, County and Municipal Employees (AFSCME)
American Foundation for the Blind
American Geriatrics Society
American Society on Aging
Association for Gerontology and Human Development in Historically Black Colleges and Universities (AGHDHBCU)
B'nai B'rith International
Center for Medicare Advocacy
Community Catalyst
Diverse Elders Coalition
Families USA
The Gerontological Society of America
International Association for Indigenous Aging
The Jewish Federations of North America
Justice in Aging
LeadingAge
Meals on Wheels America
Medicare Rights Center
National Academy of Elder Law Attorneys
National Adult Day Services Association (NADSA)
National Adult Protective Services Association (NAPSA)
National Alliance for Caregiving
National Asian Pacific Center on Aging
National Association of Nutrition and Aging Services Programs (NANASP)
National Association of Social Workers (NASW)
National Association of State Long-Term Care Ombudsman Programs (NASOP)
National Committee to Preserve Social Security and Medicare
National Consumer Voice for Quality Long-Term Care
National Council on Aging
National Hispanic Council on Aging (NHCOA)
National Indian Council on Aging
National Senior Corps Association
PHI
SAGE
Service Employees International Union
Social Security Works