

114TH CONGRESS
2D SESSION

H. R. 5373

To improve Federal population surveys by requiring the collection of voluntary, self-disclosed information on sexual orientation and gender identity in certain surveys, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 27, 2016

Mr. GRIJALVA (for himself, Mr. POCAN, Mr. SEAN PATRICK MALONEY of New York, Mr. CICILLINE, Mr. TAKANO, Ms. SINEMA, Mr. SCHIFF, Mr. HANNA, Mr. QUIGLEY, Mr. CONYERS, Mr. LANGEVIN, Ms. LEE, Mr. McDERMOTT, Mr. BLUMENAUER, Ms. SPEIER, Mr. LOWENTHAL, Mrs. WATSON COLEMAN, Mr. GALLEGRO, Mr. GUTIÉRREZ, Ms. NORTON, Mr. GRAYSON, Mr. SERRANO, Mr. CUMMINGS, Mr. KEATING, Mr. CÁRDENAS, Mr. KILDEE, Mr. HUFFMAN, Mr. TED LIEU of California, Ms. TSONGAS, Mr. PETERS, Ms. CLARK of Massachusetts, Mr. PALLONE, Ms. MENG, Mr. NADLER, Ms. WILSON of Florida, Mr. WELCH, Ms. DELBENE, Mrs. LAWRENCE, Ms. ROYBAL-ALLARD, Ms. EDWARDS, Ms. PINGREE, Mr. MURPHY of Florida, Ms. BONAMICI, Ms. MOORE, Ms. JUDY CHU of California, Mr. CARTWRIGHT, Mrs. DINGELL, Mr. MCGOVERN, Ms. CLARKE of New York, Mr. YARMUTH, Mr. HASTINGS, Mr. SMITH of Washington, Ms. ESTY, Ms. FRANKEL of Florida, Mr. KILMER, Ms. SCHAKOWSKY, Mr. ELLISON, Mr. HIGGINS, Mr. DEUTCH, Mr. VAN HOLLEN, Mr. HONDA, Mr. RANGEL, Mr. JOHNSON of Georgia, Mr. BEYER, Mrs. CAROLYN B. MALONEY of New York, Mr. HINOJOSA, Mr. VELA, Mr. MOULTON, and Ms. MCCOLLUM) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To improve Federal population surveys by requiring the collection of voluntary, self-disclosed information on sexual orientation and gender identity in certain surveys, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “LGBT Data Inclusion
5 Act”.

6 **SEC. 2. REQUIREMENT TO COLLECT DATA ON SEXUAL ORI-**
7 **ENTATION AND GENDER IDENTITY.**

8 (a) SURVEY REQUIREMENT.—Any agency that col-
9 lects information through a survey that includes demo-
10 graphic data where subjects either self-report information
11 or a knowledgeable proxy provides information about the
12 subject or responds for all persons in a household shall,
13 not later than 180 days after the date of the enactment
14 of this Act, establish data standards that require, with re-
15 gard to such a survey the following:

16 (1) REVIEW.—The review of existing data sets
17 to determine in which data sets information about
18 sexual orientation and gender identity is not in-
19 cluded.

20 (2) METHODS.—An identification of appro-
21 priate methods to include questions on sexual ori-
22 entation and gender identity in surveys that facili-
23 tate categorization, voluntary participation, and pre-
24 serve privacy and confidentiality.

1 (3) DATA COLLECTION.—The use of the appro-
2 priate methods identified in paragraph (2) to gather
3 data on sexual orientation and gender identity.

4 (4) ASSESSMENT.—The implementation of a
5 process to routinely assess needed changes in survey
6 methods related to asking questions on sexual ori-
7 entation and gender identity.

8 (b) DATA REPORTS.—Any report published by an
9 agency that relies on survey demographic data shall in-
10 clude information on sexual orientation and gender iden-
11 tity.

12 (c) CONFIDENTIALITY.—Any information collected
13 relating to the sexual orientation or gender identity of a
14 survey participant shall be maintained in accordance with
15 the confidentiality and privacy standards and policies for
16 the protection of individuals applicable to that survey.

17 (d) APPLICABILITY.—

18 (1) CONSTRUCTION.—Nothing in this Act shall
19 be construed to require an individual to disclose
20 their sexual orientation or gender identity to an
21 agency.

22 (2) EXEMPTION FROM PENALTY.—An indi-
23 vidual shall not be subject to any fine or other pen-
24 alty for refusing to answer, or providing a false an-
25 swer to, any survey question regarding gender iden-

1 tivity or sexual orientation, including any fine or pen-
2 alty under subchapter II of chapter 7 of title 13,
3 United States Code.

4 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
5 tion shall be construed to permit the use of information
6 collected under this section in a manner that would ad-
7 versely affect any individual.

8 (f) DEFINITIONS.—In this section:

9 (1) AGENCY.—The term “agency” has the
10 meaning given that term in section 551 of title 5,
11 United States Code.

12 (2) DEMOGRAPHIC DATA.—The term “demo-
13 graphic data” means information about the race or
14 ethnicity, sex, and age of a survey participant or
15 population.

16 (3) GENDER IDENTITY.—The term “gender
17 identity” means an individual’s sense of being male,
18 female, transgender, or another gender, as distinct
19 from the individual’s sex assigned at birth.

20 (4) SEXUAL ORIENTATION.—The term “sexual
21 orientation” means how a person identifies in terms
22 of their emotional, romantic, or sexual attractions,
23 and includes identification as straight, heterosexual,
24 gay, lesbian, or bisexual, among other terms.

1 (5) SURVEY.—The term “survey” means a data
2 collection activity involving observation or question-
3 naires for a sample of a population and includes the
4 decennial census.

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