

117TH CONGRESS  
1ST SESSION

# H. R. 4176

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.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2021

Mr. GRIJALVA (for himself, Ms. PINGREE, Ms. LOIS FRANKEL of Florida, Mrs. CAROLYN B. MALONEY of New York, Mr. MORELLE, Ms. SCHAKOWSKY, Mr. PAPPAS, Mr. BROWN, Mr. CARSON, Mr. LYNCH, Ms. MOORE of Wisconsin, Ms. BONAMICI, Ms. NORTON, Ms. SÁNCHEZ, Mr. AUCHINCLOSS, Mrs. DINGELL, Mrs. HAYES, Mr. KILMER, Ms. KUSTER, Mr. PETERS, Miss RICE of New York, Mr. TONKO, Mr. LOWENTHAL, Ms. TITUS, Mr. CICILLINE, Mr. BLUMENAUER, Mrs. WATSON COLEMAN, Mrs. DEMINGS, Ms. ESHOO, Mr. LANGEVIN, Mr. SMITH of Washington, Mr. JONES, Ms. LEE of California, Mr. DANNY K. DAVIS of Illinois, Ms. DEGETTE, Ms. DELBENE, Mr. ESPAILLAT, Mr. FOSTER, Mr. GARCÍA of Illinois, Mr. JOHNSON of Georgia, Ms. PORTER, Ms. PRESSLEY, Ms. STEVENS, Ms. WILLIAMS of Georgia, Ms. WATERS, Mr. RASKIN, Ms. MCCOLLUM, Mr. QUIGLEY, Mr. SUOZZI, Ms. JAYAPAL, Ms. DEAN, Mr. MALINOWSKI, Mr. MOULTON, Mr. WELCH, Mr. DEUTCH, Ms. CHU, Ms. MENG, Ms. BASS, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. CARBAJAL, Mr. CÁRDENAS, Mr. KILDEE, Mr. SOTO, Mr. CASE, Mr. TAKANO, Mr. TORRES of New York, Mr. GALLEG0, Ms. NEWMAN, Ms. BROWNLEY, Ms. LEGER FERNANDEZ, Ms. SLOTKIN, Mr. NADLER, Ms. BARRAGÁN, Mr. COSTA, Mr. MCGOVERN, Mr. NORCROSS, Mr. PALLONE, Ms. WILSON of Florida, and Mr. BOWMAN) introduced the following bill; which was referred to the Committee on Oversight and Reform

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## 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 “LGBTQ Data Inclu-  
 5       sion 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       tity 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.

