

116TH CONGRESS  
1ST SESSION

# H. R. 3509

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 26, 2019

Mr. GRIJALVA (for himself, Mr. AGUILAR, Ms. BONAMICI, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. BROWNLEY of California, Mr. CARBAJAL, Mr. CÁRDENAS, Mr. CARSON of Indiana, Ms. JUDY CHU of California, Mr. CISNEROS, Mr. CLAY, Mrs. WATSON COLEMAN, Mr. CRIST, Mr. CUMMINGS, Mr. DEFazio, Ms. DEGETTE, Ms. DELBENE, Mr. DEUTCH, Mrs. DINGELL, Mr. ENGEL, Mr. ESPAILLAT, Ms. FRANKEL, Mr. GALLEGRO, Mr. GARCÍA of Illinois, Mr. HECK, Mr. HIGGINS of New York, Ms. HILL of California, Mr. HIMES, Mr. HUFFMAN, Ms. JAYAPAL, Mr. JOHNSON of Georgia, Mr. KEATING, Mr. KHANNA, Mr. KILDEE, Mr. KILMER, Mrs. KIRKPATRICK, Ms. KUSTER of New Hampshire, Mr. LANGEVIN, Ms. JACKSON LEE, Ms. LEE of California, Mrs. LEE of Nevada, Mr. LOWENTHAL, Mr. LUJÁN, Mrs. CAROLYN B. MALONEY of New York, Mr. SEAN PATRICK MALONEY of New York, Ms. MCCOLLUM, Mrs. NAPOLITANO, Ms. MOORE, Mr. MOULTON, Ms. MUCARSEL-POWELL, Mr. NADLER, Ms. MENG, Ms. NORTON, Mr. PALLONE, Mr. PANETTA, Mr. PASCRELL, Mr. PAYNE, Mr. PETERS, Mr. POCAN, Mr. RASKIN, Miss RICE of New York, Mr. ROUDA, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SERRANO, Ms. SHALALA, Ms. SHERRILL, Mr. SIRES, Mr. SMITH of Washington, Ms. SPEIER, Mr. SWALWELL of California, Mr. TAKANO, Ms. TITUS, Ms. WASSERMAN SCHULTZ, Mr. WELCH, Mr. LEVIN of Michigan, Mrs. HAYES, Mr. BROWN of Maryland, Ms. VELÁZQUEZ, Ms. ROYBAL-ALLARD, Ms. LOFGREN, Ms. CASTOR of Florida, and Mr. YARMUTH) 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 col-

lection 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-

1       tate categorization, voluntary participation, and pre-  
2       serve privacy and confidentiality.

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

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

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

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

19              (d) APPLICABILITY.—

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

24                      (2) EXEMPTION FROM PENALTY.—An indi-  
25      vidual shall not be subject to any fine or other pen-

1 alty for refusing to answer, or providing a false an-  
2 swer to, any survey question regarding gender iden-  
3 tity or sexual orientation, including any fine or pen-  
4 alty under subchapter II of chapter 7 of title 13,  
5 United States Code.

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

10 (f) DEFINITIONS.—In this section:

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

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

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

22 (4) SEXUAL ORIENTATION.—The term “sexual  
23 orientation” means how a person identifies in terms  
24 of their emotional, romantic, or sexual attractions,

1 and includes identification as straight, heterosexual,  
2 gay, lesbian, or bisexual, among other terms.

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

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