

117TH CONGRESS  
2D SESSION

# H. R. 4176

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## AN ACT

To improve Federal populations surveys by requiring the collection of voluntary, self-disclosed information on sexual orientation, gender identity, and variations in sex characteristics 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,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “LGBTQI+ Data In-  
3 clusion Act”.

4 **SEC. 2. FINDINGS.**

5       The Congress finds the following:

6           (1) The National Academies on Sciences, Engi-  
7 neering, and Medicine (NASEM), in their 2022 re-  
8 port, found that complete and accurate demographic  
9 information on the LGBTQI+ community should be  
10 standardized and collected.

11          (2) Comprehensive statistics are needed to in-  
12 form public policy and Federal programs.

13          (3) The availability of data also has a critical  
14 role in ensuring that any disparities in areas like  
15 health outcomes, housing, and employment can be  
16 addressed.

17          (4) As of the March release of the NASEM re-  
18 port, limited Federal surveys collect data on sexual  
19 orientation and gender, with none currently meas-  
20 uring intersex populations.

21          (5) The integrity of the Federal statistical sys-  
22 tem relies on the ability of agencies to determine the  
23 content of their statistical surveys based on consider-  
24 ations of relevance, timeliness, accuracy, objectivity,  
25 and ability to maintain confidentiality.

1 **SEC. 3. REQUIREMENT TO COLLECT DATA ON SEXUAL ORI-**  
2 **ENTATION, GENDER IDENTITY, AND VARI-**  
3 **ATIONS IN SEX CHARACTERISTICS.**

4 (a) **SURVEY REQUIREMENT.**—Not later than 360  
5 days after the date of the enactment of this Act, the head  
6 of any agency that collects information through a covered  
7 survey for statistical purposes shall establish data stand-  
8 ards that require, with regard to the survey, the following:

9 (1) **REVIEW.**—The review of covered surveys to  
10 determine in which surveys information about sexual  
11 orientation, gender identity, and variations in sex  
12 characteristics is not included.

13 (2) **METHODS.**—An identification of appro-  
14 priate methods to include questions on sexual ori-  
15 entation, gender identity, and variations in sex char-  
16 acteristics in covered surveys that facilitate cat-  
17 egorization and voluntary participation and preserve  
18 privacy and confidentiality, including protocols for  
19 anonymizing data collected and destroying person-  
20 ally-identifiable information at the appropriate time  
21 and not later than three years after the date on  
22 which the information is collected.

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

1 ations in sex characteristics for any survey identified  
2 in paragraph (1).

3 (4) ASSESSMENT.—The implementation of a  
4 process to routinely assess needed changes in cov-  
5 ered survey methods related to asking questions on  
6 sexual orientation, gender identity, and variations in  
7 sex characteristics.

8 (b) DATA REPORTS; WAIVER.—

9 (1) DATA REPORTS.—Not later than 3 years  
10 after the date of the enactment of this Act, any re-  
11 port published by an agency that relies on covered  
12 survey demographic data shall include information  
13 on sexual orientation, gender identity, and variations  
14 in sex characteristics.

15 (2) WAIVER.—The statistical official (as de-  
16 scribed in section 314 of title 5, United States Code)  
17 of each agency, or the head of the agency, for any  
18 agency that does not have a statistical official, may  
19 waive the requirement under paragraph (1), on a  
20 case-by-case basis, if the standards and policies in  
21 subsection (c) can not be met, or if adding such in-  
22 formation to the survey would impair the ability of  
23 the agency to preserve the utility, accuracy, or objec-  
24 tivity of the survey while also generating relevant  
25 evidence about the LGBTQI+ community.

1       (c) CONFIDENTIALITY.—Any information collected  
2 relating to the sexual orientation, gender identity, or vari-  
3 ations in sex characteristics of a covered survey partici-  
4 pant shall be maintained in accordance with applicable  
5 confidentiality and privacy laws, policies, and standards.

6       (d) CONSTRUCTION.—Nothing in this Act shall be  
7 construed to require an individual to disclose their sexual  
8 orientation, gender identity, or variations in sex character-  
9 istics to an agency.

10       (e) REPORT.—Not later than 2 years after the date  
11 of the enactment of this Act, the Comptroller General shall  
12 provide a report to Congress on the implementation of the  
13 requirements of this Act by agencies, including how the  
14 implementation of such requirements by agencies affected  
15 the provision of services to persons according to the gen-  
16 der identity, sexual orientation, and variations in sex char-  
17 acteristics of the persons.

18       (f) RULE OF CONSTRUCTION.—Nothing in this sec-  
19 tion shall be construed to permit the use of information  
20 collected under this section in a manner that would ad-  
21 versely affect any individual, or that is inconsistent with  
22 disclosure limitations established in any other law.

23       (g) DEFINITIONS.—In this section:

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

4           (2) COVERED SURVEY.—The term “covered  
5           survey” means a survey that includes demographic  
6           data in which—

7                   (A) a subject self-reports information; or

8                   (B) a knowledgeable proxy (including a  
9                   proxy of a deceased individual, if applicable)  
10                  provides information about the subject or re-  
11                  sponds for all individuals in a household.

12          (3) 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          (4) GENDER IDENTITY.—The term “gender  
17          identity” means the gender-related identity, appear-  
18          ance, mannerism, or other gender-related char-  
19          acteristic of an individual, regardless of the des-  
20          ignated sex at birth of the individual.

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

1           (6) SURVEY.—The term “survey” means a data  
2           collection activity involving a questionnaire for a  
3           sample of a population and includes the decennial  
4           census.

5           (7) VARIATIONS IN SEX CHARACTERISTICS.—  
6           The term “variations in sex characteristics”—

7                   (A) means a physical trait present at birth  
8                   or naturally occurring at a later time (including  
9                   genitals, gonads, hormone function, and chro-  
10                  mosome patterns), that differ from normative  
11                  expectations for male or female bodies regard-  
12                  ing the development, appearance, or function of  
13                  sex-related characteristics; and

14                   (B) is sometimes referred to as intersex  
15                  traits.

Passed the House of Representatives June 23, 2022.

Attest:

*Clerk.*

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