

114TH CONGRESS
2D SESSION

S. 3134

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 SENATE OF THE UNITED STATES

JULY 6, 2016

Ms. BALDWIN (for herself and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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) **DEFINITIONS.**—In this section:

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

4 (2) DEMOGRAPHIC DATA.—The term “demo-
5 graphic data” means information about the race or
6 ethnicity, sex, and age of a survey participant or
7 population.

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

12 (4) SEXUAL ORIENTATION.—The term “sexual
13 orientation” means how a person identifies in terms
14 of their emotional, romantic, or sexual attractions,
15 and includes identification as straight, heterosexual,
16 gay, lesbian, or bisexual, among other terms.

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

21 (b) SURVEY REQUIREMENT.—Not later than 180
22 days after the date of enactment of this Act, each agency
23 that collects information through a survey that includes
24 demographic data where subjects self-report information
25 or a knowledgeable proxy provides information about the

1 subject or responds for all persons in a household shall
2 establish data standards that require, with regard to such
3 a survey, the following:

4 (1) REVIEW.—The review of existing data sets
5 to determine in which data sets information about
6 sexual orientation and gender identity is not in-
7 cluded.

8 (2) METHODS.—An identification of appro-
9 priate methods to include questions on sexual ori-
10 entation and gender identity in surveys that facili-
11 tate categorization, voluntary participation, and pre-
12 serve privacy and confidentiality.

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

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

20 (c) DATA REPORTS.—Where appropriate, any report
21 published by an agency that relies on survey demographic
22 data shall include information on sexual orientation and
23 gender identity.

24 (d) CONFIDENTIALITY.—Any information collected
25 relating to the sexual orientation or gender identity of a

1 survey participant shall be maintained in accordance with
2 the confidentiality and privacy standards and policies for
3 the protection of individuals applicable to that survey.

4 (e) APPLICABILITY.—

5 (1) RULES OF CONSTRUCTION.—Nothing in
6 this section shall be construed—

7 (A) to require an individual to disclose
8 their sexual orientation or gender identity to an
9 agency; or

10 (B) to permit the use of information col-
11 lected under this section in a manner that
12 would adversely affect any individual.

13 (2) EXEMPTION FROM PENALTY.—An indi-
14 vidual shall not be subject to any fine or other pen-
15 alty for refusing to answer, or providing a false an-
16 swer to, any survey question regarding gender iden-
17 tity or sexual orientation, including any fine or pen-
18 alty under subchapter II of chapter 7 of title 13,
19 United States Code.

○