

115TH CONGRESS
2D SESSION

S. 3314

To improve Federal data collection by requiring the collection of information on sexual orientation and gender identity in the decennial census and the American Community Survey.

IN THE SENATE OF THE UNITED STATES

JULY 31, 2018

Ms. HARRIS (for herself, Mr. CARPER, Mrs. GILLIBRAND, Mr. MENENDEZ, Mr. DURBIN, Mrs. MURRAY, Ms. KLOBUCHAR, Mrs. SHAHEEN, Ms. WARREN, Mr. MERKLEY, Mr. WYDEN, Mr. PETERS, Mr. KAINE, Mr. BOOKER, Ms. SMITH, Mr. BENNET, Ms. HIRONO, Ms. CORTEZ MASTO, and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To improve Federal data collection by requiring the collection of information on sexual orientation and gender identity in the decennial census and the American Community Survey.

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 “Census Equality Act”.

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

3 (a) DEFINITIONS.—In this section:

4 (1) BUREAU.—The term “Bureau” means the
5 Bureau of the Census.

6 (2) GENDER IDENTITY.—The term “gender
7 identity” means the gender-related identity, appear-
8 ance, or mannerisms or other gender-related charac-
9 teristics of an individual, regardless of the des-
10 ignated sex of the individual at birth.

11 (3) HOUSEHOLD DATA.—The term “household
12 data” means information about individuals who oc-
13 cupy a housing unit.

14 (4) SECRETARY.—The term “Secretary” means
15 the Secretary of Commerce.

16 (5) SEXUAL ORIENTATION.—The term “sexual
17 orientation” means homosexuality, heterosexuality,
18 or bisexuality.

19 (b) EXPANSION OF DATA COLLECTION.—

20 (1) IN GENERAL.—The Secretary, in carrying
21 out sections 141 and 193 of title 13, United States
22 Code, shall expand the data collection efforts of the
23 Bureau to require the collection of data concerning
24 sexual orientation and gender identity as part of the
25 decennial census and the American Community Sur-
26 vey.

1 (2) METHODS.—Not later than 1 year after the
2 date of enactment of this Act, the Bureau shall re-
3 search, identify, and begin implementing a plan to
4 include questions concerning sexual orientation and
5 gender identity in the decennial Census and the
6 American Community Survey.

7 (c) IMPLEMENTATION.—The plan required under
8 subsection (b) shall require—

9 (1) inclusion of questions concerning sexual ori-
10 entation and gender identity on the decennial census
11 at the earliest feasible date, but not later than the
12 2030 decennial census; and

13 (2) inclusion of questions concerning sexual ori-
14 entation and gender identity on the American Com-
15 munity Survey no later than 2020.

16 (d) CENSUS DATA REPORTS.—

17 (1) DECENNIAL CENSUS.—Any report published
18 by the Bureau that relies on gender data or house-
19 hold data from a decennial census conducted after
20 the date on which the decennial census includes
21 questions concerning sexual orientation and gender
22 identity shall include information on sexual orienta-
23 tion and gender identity.

24 (2) AMERICAN COMMUNITY SURVEY.—Any re-
25 port published by the Bureau that relies on gender

1 data or household data from an American Commu-
2 nity Survey conducted after the date on which the
3 American Community Survey includes questions con-
4 cerning sexual orientation and gender identity shall
5 include information on sexual orientation and gender
6 identity.

7 (e) CONFIDENTIALITY.—All information collected re-
8 lating to sexual orientation or gender identity of a partici-
9 pant in the decennial census or the American Community
10 Survey shall be maintained by the Bureau in accordance
11 with the confidentiality and privacy standards and policies
12 mandated by sections 9 and 214 of title 13, United States
13 Code.

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