



HUMAN  
RIGHTS  
CAMPAIGN<sup>®</sup>

The Honorable Carolyn Maloney  
Chairwoman  
House Committee on Oversight and Reform  
2157 Rayburn House Office Building  
Washington, DC 20515

June 14, 2022

Dear Chairwoman Maloney,

On behalf of the Human Rights Campaign (HRC), America's largest civil rights organization working to achieve lesbian, gay, bisexual, transgender, and queer (LGBTQ) equality, we write to urge for a yes vote on the amendment in the nature of a substitute for the LGBTQI Data Inclusion Act (H.R. 4176). Passage of this Act is vital given the central role that data collection occupies in virtually every aspect of government decision-making and resource allocation. It is long past time that sexual orientation, gender identity, and variations in sex characteristics be included in all relevant data collection endeavors, thereby ensuring representation of LGBTQI people.

Data collection is vital to a significant range of government functions like developing education policies, setting budget priorities, and identifying and responding to health crises when they occur. Current and comprehensive demographic information enables governments to effectively execute their foremost duty of ensuring the health, safety, and wellbeing of the population. Governments of every tier—local, state, and federal— and their constituent bodies are significantly stymied without the ability to assess data related to the people they serve. The adoption of questions on sexual orientation, gender identity, and variations in sex characteristics in federal data collection efforts will allow agencies to study and release critical data that can be used to address the challenges that LGBTQI people face.

The federal government has a highly decentralized statistical system. Currently, 107 federal agencies engage in data collection to varying degrees. Adding to the complexity of the federal statistical system is the fact that no single federal statute or regulation sets a governing standard for what demographic information must be collected by these agencies. Rather, piecemeal laws, regulations, and non-binding guidance create a patchwork of varied requirements and practices from agency to agency. Passage of the LGBTQI Data Inclusion Act will address this problem by identifying the full scope of surveys utilized by the federal government to collect data and ensure that those surveys begin to consistently include questions on sexual orientation, gender identity, and variations in sex characteristics.

While important progress that has been to better incorporate LGBTQI people into federal data collection efforts, the lack of a law mandating collection leaves LGBTQI people vulnerable to political whims. During the Trump administration, the federal government engaged in a concerted effort to roll back LGBTQI-inclusive data collection. The Trump administration's first such action came in March of 2017 when the U.S. Department of Health and Human Services (HHS) announced it would be removing questions on sexual orientation and gender identity from the National Survey of Older Americans Act Participants. Fortunately, the questions were restored after outcry from LGBTQ advocates and allies.

Shortly thereafter, however, HHS renounced its plans to include questions on sexual orientation and gender identity in its Annual Program Performance Report for Centers for Independent Living; the U.S. Department of Housing and Urban Development withdrew its request for comments on a proposed LGBTQ youth homelessness survey; and the U.S. Census Bureau reversed its plans to include sexual orientation and gender identity on the American Community Survey. When HHS published its Strategic Plan for 2018- 2022, it excluded any mention of sexual orientation and gender identity. Then in 2018 the Department of Justice announced that it would stop asking sixteen- and seventeen- year-olds voluntary and confidential questions on their sexual orientation and gender identity in the National Crime Victimization Survey. The following year, HHS published a proposed rule change that would abandon data collection on the sexual orientation of foster youth and foster and adoptive parents and guardians in the Adoption and Foster Care Analysis and Reporting System. These actions deprive the government and advocates of critical information to address the needs of vulnerable LGBTQI people.

The LGBTQI Data Inclusion Act also strikes a careful balance by adopting measures to ensuring the privacy of LGBTQI people and by distinguish between the mandatory inclusion of sexual orientation, gender identity, and variation in sex characteristic questions in data collection instruments while making those questions non-mandatory for respondents. These safeguards will prevent the personal identification of any individual.

Timely, accurate, and relevant statistical data are the foundation of evidence-based decision-making. Failure to include sexual orientation, gender identity, and variations in sex characteristics in surveys that collect data brings about very real and dire consequences for LGBTQI people. Because the vast majority of states and the federal government do not currently mandate LGBTQI-inclusive data collection, LGBTQI people remain largely invisible to local, state, and federal officials who make decisions that directly affect their health, safety, and wellbeing.

Thank you for marking up the LGBTQI Data Inclusion Act.

Sincerely,

A handwritten signature in cursive script that reads "David Stacy".

David Stacy  
Government Affairs Director  
Human Rights Campaign