

A motion to reconsider was laid on the table.

Stated for:

Mrs. BUSTOS. Mr. Speaker, due to unforeseen scheduling circumstances, I was unable to vote on H.R. 6493, the Campus Prevention and Recovery Services for Students Act of 2022, as amended, when it was put before the House of Representatives today. Had I been present, I would have voted "yea" on rollcall No. 292.

MEMBERS RECORDED PURSUANT TO HOUSE
RESOLUTION 8, 117TH CONGRESS

| | | |
|--------------------------|-------------------|---------------------------|
| Allred (Gomez) | Fletcher | Moulton |
| Boebert (Bishop (NC)) | (Pallone) | (Stevens) |
| Bonamici | Frankel, Lois | Newman (Beyer) |
| (Manning) | (Kuster) | Palazzo |
| Bourdeaux | Garcia (IL) | (Fleischmann) |
| (Correa) | (Beyer) | Pascarell |
| Bowman (Chu) | Gosar (Gohmert) | (Pallone) |
| Bush (Williams (GA)) | Guest | Payne (Pallone) |
| Carter (LA) | (Fleischmann) | Porter (Neguse) |
| (Williams) | Hartzler (Bacon) | Rice (SC) |
| (GA) | Hayes (Neguse) | (Meijer) |
| Carter (TX) | Huffman (Gomez) | Rogers (KY) |
| (Weber (TX)) | Jacobs (NY) | (Reschenthaler) |
| Cherfilus- | (Smucker) | Rush (Neguse) |
| Johnson | Jayapal (Gomez) | Salazar (Diaz- Balart) |
| McCormick | Jeffries (Neguse) | Sires (Pallone) |
| (Williams) | Johnson (GA) | Stansbury |
| (GA) | (Manning) | (Stevens) |
| Cohen (Beyer) | Johnson (TX) | Strickland |
| Connolly (Beyer) | (Stevens) | (Neguse) |
| Costa (Correa) | Katko (Meijer) | Suozi (Neguse) |
| Crist | Keating (Neguse) | Swalwell |
| (Wasserman) | Kirkpatrick | (Correa) |
| Schultz | (Pallone) | Takano (Chu) |
| Davis, Danny K. | Krishnamoorthi | Tlaib (Gomez) |
| (Gomez) | (Neguse) | Walorski (Baird) |
| DeSaulnier | LaMalfa (Rouzer) | Watson Coleman |
| (Beyer) | Lawson (FL) | (Pallone) |
| Dingell (Stevens) | (Wasserman) | Wilson (FL) |
| Doyle, Michael | Schultz | (Williams) |
| F. (Pallone) | Moore (WI) | (Beyer) |
| | (Beyer) | (GA)) |

LGBTQI+ DATA INCLUSION ACT

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, pursuant to House Resolution 1191, I call up the bill (H.R. 4176) 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, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. CICILLINE). Pursuant to House Resolution 1191, in lieu of the amendment in the nature of a substitute recommended by the Committee on Oversight and Reform printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 117-52, modified by the amendment printed in part A of House Report 117-381, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 4176

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the "LGBTQI+ Data Inclusion Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The National Academies on Sciences, Engineering, and Medicine (NASEM), in their 2022

report, found that complete and accurate demographic information on the LGBTQI+ community should be standardized and collected.

(2) Comprehensive statistics are needed to inform public policy and Federal programs.

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

(4) As of the March release of the NASEM report, limited Federal surveys collect data on sexual orientation and gender, with none currently measuring intersex populations.

(5) The integrity of the Federal statistical system relies on the ability of agencies to determine the content of their statistical surveys based on considerations of relevance, timeliness, accuracy, objectivity, and ability to maintain confidentiality.

SEC. 3. REQUIREMENT TO COLLECT DATA ON SEXUAL ORIENTATION, GENDER IDENTITY, AND VARIATIONS IN SEX CHARACTERISTICS.

(a) SURVEY REQUIREMENT.—Not later than 360 days after the date of the enactment of this Act, the head of any agency that collects information through a covered survey shall establish data standards that require, with regard to the survey, the following:

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

(2) METHODS.—An identification of appropriate methods to include questions on sexual orientation, gender identity, and variations in sex characteristics in covered surveys that facilitate categorization and voluntary participation and preserve privacy and confidentiality.

(3) DATA COLLECTION.—The use of the appropriate methods identified in paragraph (2) to gather data on sexual orientation, gender identity, and variations in sex characteristics for any survey identified in paragraph (1).

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

(b) DATA REPORTS; WAIVER.—

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

(2) WAIVER.—The statistical official (as described in section 314 of title 5, United States Code) of each agency, or the head of the agency, for any agency that does not have a statistical official, may waive the requirement under paragraph (1), on a case-by-case basis, if the standards and policies in subsection (c) can not be met, or if adding such information to the survey would impair the ability of the agency to preserve the utility, accuracy, or objectivity of the survey while also generating relevant evidence about the LGBTQI+ community.

(c) CONFIDENTIALITY.—Any information collected relating to the sexual orientation, gender identity, or variations in sex characteristics of a covered survey participant shall be maintained in accordance with applicable confidentiality and privacy laws, policies, and standards.

(d) CONSTRUCTION.—Nothing in this Act shall be construed to require an individual to disclose their sexual orientation, gender identity, or variations in sex characteristics to an agency.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to permit the use of information collected under this section in a manner that would adversely affect any individual, or that is inconsistent with disclosure limitations established in any other law.

(f) DEFINITIONS.—In this section:

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

(2) COVERED SURVEY.—The term "covered survey" means a survey that includes demographic data in which—

(A) a subject self-reports information; or

(B) a knowledgeable proxy provides information about the subject or responds for all individuals in a household.

(3) DEMOGRAPHIC DATA.—The term "demographic data" means information about the race or ethnicity, sex, and age of a survey participant or population.

(4) GENDER IDENTITY.—The term "gender identity" means the gender-related identity, appearance, mannerism, or other gender-related characteristic of an individual, regardless of the designated sex at birth of the individual.

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

(6) SURVEY.—The term "survey" means a data collection activity involving a questionnaire for a sample of a population and includes the decennial census.

(7) VARIATIONS IN SEX CHARACTERISTICS.—The term "variations in sex characteristics"—

(A) means a physical trait present at birth or naturally occurring at a later time (including genitals, gonads, hormone function, and chromosome patterns), that differ from normative expectations for male or female bodies regarding the development, appearance, or function of sex-related characteristics; and

(B) is sometimes referred to as intersex traits.

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Reform or their respective designees.

The gentlewoman from New York (Mrs. CAROLYN B. MALONEY) and the gentleman from Kentucky (Mr. COMER) each will control 30 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. CAROLYN B. MALONEY).

□ 1445

GENERAL LEAVE

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous material on the bill before us.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4176, the LGBTQI+ Data Inclusion Act. This historic bill takes the long overdue step of ensuring that Federal agencies collect data on sexual orientation, gender identity, and variation in sex characteristics so that the Federal Government can better understand and serve America's LGBTQI+ communities.

We are considering this legislation at a critical time. Across the United States, the rights of the LGBTQI+ people are under attack and the health and safety of LGBTQI+ people are under threat. From the limited data currently available, we understand

that LGBTQI+ people disproportionately experience poverty, housing insecurity, adverse physical and mental health outcomes, discrimination, and more. For example, according to the Williams Institute, more than one in five LGBTQI+ people live in poverty. According to the American Psychiatric Association, LGBTQI+ people are 2.5 times more likely to experience depression, anxiety, and substance abuse than people who are heterosexual.

There is also an epidemic of violence against transgender and gender-nonconforming people across the U.S.—an epidemic that killed more than 50 people last year.

The LGBTQI+ Data Inclusion Act, introduced by my friend and chair of the Natural Resources Committee, RAÚL GRIJALVA, would close many long-standing gaps in the collection of data pertaining to our Nation's LGBTQI+ communities. By ensuring that Federal surveys collect data on sexual orientation, gender identity, and variations in sex characteristics, this bill will equip Congress and Federal agencies with the information they need to better understand the specific challenges faced by the LGBTQI+ communities and help us develop equitable policy solutions.

This bill currently has 128 cosponsors. The legislation has also received overwhelming support from more than 200 civil rights, health, and scientific organizations and the LGBTQ+ Equality Caucus.

This bill builds on the Biden administration's efforts to advance equity for LGBTQI+ populations, including by empowering Federal agencies to carry out the President's recently announced executive order to expand collection of Federal data pertaining to LGBTQI+ people.

The Biden administration issued a Statement of Administration Policy that strongly supports passage of the bill.

Importantly, under this bill answering questions about one's sexual orientation, gender identity, and variations in sex characteristics would be entirely voluntary, and the bill also includes strong confidentiality and privacy protections. The design of this bill strikes a necessary balance between informing policymaking and protecting the personal information of LGBTQI+ people across the country.

Before I conclude, let me take a moment to acknowledge the importance of the House taking this historic step during Pride Month—a celebration of immeasurable contributions made by LGBTQI+ people in every aspect of American life and a reminder of our continued mission to ensure that every community in the United States is treated with equality and respect.

Mr. Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. COMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the LGBTQI+ Data Inclusion Act requires Federal agencies

to collect highly sensitive information from the American people.

With Americans facing record inflation, record gas prices, supply chain shortages, and skyrocketing drug overdoses, it is unbelievable that this is a priority for the House Democrats.

Mortgage rates are at their highest levels since 2008. Inflation rates are at their highest levels in 40 years. Nationally, gas prices are averaging over \$5 per gallon. There is a severe shortage of baby formula across our country. It has been a free-for-all at the southern border since President Biden took office both for illegal immigrants and deadly drugs.

The House majority is ignoring these issues. They have also ignored the botched withdrawal from Afghanistan, the origins of the COVID pandemic, and the impact of shutdowns and school closures on American children. Instead, today we are considering a divisive bill, a bill that does nothing to address Americans' problems.

H.R. 4176 requires Federal agencies to include questions regarding sexual orientation and gender identity on their surveys. There are over 130 such surveys across the Federal agencies. This also includes the Census. My colleagues across the aisle oppose asking whether someone is an American citizen on the Census because they say it could deter participation, but they want to ask about sexual orientation and gender identity.

This is information many Americans would not want to share with the Federal Government. This could certainly reduce response rates to the Census and a host of statistical surveys our government relies on to inform important policy decisions.

I would remind my House colleagues that asking these questions during a job interview is illegal. In fact, Title VII of the Civil Rights Act protects against employment discrimination on the basis of sex. This has been interpreted by the Supreme Court to include sexual orientation and gender identity. Yet, House Democrats want the Federal Government to ask Americans about this most private of information.

My Democrat colleagues claim this bill will expand funding and services for those who identify as LGBTQI+, but they haven't specified funding and for what services.

We also don't know how agencies will actually use this information, and we don't know how bad actors would exploit this information. Federal agencies are constantly the targets of cyberattacks and subject to leaks. A Chinese attack on the Office of Personnel Management exposed the data of millions of Americans. The Internal Revenue Service has leaked tax information on high-profile Americans to the press. This information could be used for harmful purposes, so Americans may be reluctant to risk answering a survey entirely.

House Democrats say that these intrusive questions will remain optional

under the bill, but we all know the pressure respondents will feel to answer a Federal agency survey. In fact, the bill has been amended by the rule to strike the exemption from penalty provision which protected survey respondents from fine or other penalty if they refused to answer a question.

Why did this language need to be removed if the questions are optional?

Are they planning to penalize respondents for not answering questions about their sexuality and gender?

We do not know why, and that is because this bill hasn't gone through any due diligence.

Another troubling part of the bill is how it allows observers or proxies to fill out these surveys on behalf of others.

Should we really have other people asking highly personal questions about somebody else on a Federal agency survey?

Republicans don't think so.

A proxy could make a guess, or a person would have to tell this proxy their sexual orientation or gender identity—something they may not want to discuss.

When the House Oversight and Reform Committee considered the bill last week, committee Republicans supported an amendment offered by Representative MICHAEL CLOUD to strike this provision, but committee Democrats rejected it.

House Republicans also have concerns about presenting children with questions about sexual orientation or gender identity.

Why should a minor be confronted by such topics?

For instance, the National Survey of Fishing, Hunting and Wildlife-Associated Recreation includes respondents as young as 6 years old. Federal surveys are no place to confront the American people or their children with intrusive questions and concerns about sexual orientation or gender identity, especially when parents are worried about this agenda with an ever-evolving list of identities. It is hard to keep up.

Many parents have grave concerns that advocates of this agenda are seeking to indoctrinate their children and drive a wedge within their families, and this bill confirms some of these concerns by allowing these questions to be directed to children. Democrats have not addressed or even acknowledged these concerns.

In the committee markup of H.R. 4176, my colleague, GLENN GROTHMAN, offered an amendment to prohibit the collection of this information from minors, but committee Democrats voted this sensible amendment down unanimously.

What is more telling is House Democrat leadership have refused to make either Representative GROTHMAN's or Representative CLOUD's amendments in order today. I wonder why the House majority refuses to consider an amendment aimed at protecting children.

These amendments address important issues. The American people's Representatives should be able to vote on them before sending this troubling bill to the Senate. The American people deserve better from this legislative body.

Mr. Speaker, I reserve the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

I point out to my good colleague that this year the National Academies put out a report which found that complete and accurate demographic information on the LGBTQI+ community should be standardized and collected. The report showed that only a limited number of Federal surveys collect data on sexual orientation and gender identity, and that none collect data on intersex populations.

This bill would greatly improve our data collection efforts. This would help ensure the Federal Government's programs and services can reach every person in the U.S. with the greatest effectiveness.

It would help us also to better address longstanding health and economic inequities for America's LGBTQI+ population. From the limited research currently available, we understand that LGBTQI+ people disproportionately experience poverty, housing insecurity, adverse physical and mental health outcomes, discrimination, and more. So collecting this data is critically important to ensure that our policies meet the needs of our LGBTQI+ constituents.

I will give one example of why this is so important. Without the collection of this data, States were not able to measure the impact of the pandemic on the LGBTQI+ individuals. They were completely left out of all medical surveys leaving pandemic response programs at risk of neglecting these individuals. It moves us to a more inclusive and equitable society.

Representative RAUL GRIJALVA is the distinguished and outstanding chairman of the Committee on Natural Resources. He is the author of the original bill. I was proud to work with him, with the committee members to bring it to the floor.

Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. GRIJALVA).

Mr. GRIJALVA. Mr. Speaker, I thank Mrs. MALONEY, who is the chair of the House Oversight and Reform Committee, and the LGBTQ+ Equality Caucus for their work and support for the LGBTQI+ Data Inclusion Act.

As we celebrate Pride Month and remember the 53rd anniversary of the Stonewall riots, we recognize the progress, lived experience, and suffering of the LGBTQI+ community.

In many ways our Federal Government is falling short on the promise to craft and implement inclusive public policy, in part, because we lack the necessary data to address the issues affecting the LGBTQI+ community.

□ 1500

While some data is currently collected and Federal agents have made progress, far too many LGBTQI+ individuals remain overlooked in many Federal data collection efforts.

As the Center for American Progress has calculated, more than five in six LGBTQ adults cannot be identified by existing questions in non-experimental survey conducted by the U.S. Census Bureau such as the American Community Survey and the Census, which only accounts for cohabitating same-sex couples.

That is why I introduced this legislation, the LGBTQI+ Data Inclusion Act, to ensure we have robust and accurate data.

The bill would require Federal surveys to include data collection on sexual orientation, gender identity, and variations of sex characteristics on a voluntary basis. Again, let me emphasize what the Chair emphasized, this bill would only collect voluntary, self-disclosed data.

An individual will not be required to disclose this information, nor would this information be used in a manner that would adversely affect any individual.

It would ensure that lawmakers and Federal agencies have the comprehensive data they need to address the LGBTQI+ issues.

We cannot craft policies that remedy the disparities faced by these individuals, particularly people of color, in issues of discrimination, unemployment, healthcare, housing instability, and more if we do not have the adequate and correct data.

We have seen how the pandemic has impacted many Americans, and we are still learning how the LGBTQI+ community were disproportionately affected by the COVID-19 crisis. This is just one of many areas that our Federal Government lacks knowledge in how to respond to these issues.

In many ways, the tireless work of LGBTQ organizations in gathering this information has provided a better scope of the problems and disparities than the Federal Government itself.

The LGBTQI+ community deserves to be visible and heard so public policy can better reflect their needs. It is critical to close the data gap that often invalidates their lives.

Perhaps more importantly, this bill comes at a time when Republican State legislatures across this country have introduced more than 300 anti-LGBTQ bills that target youth and their families. This bill would force those individuals focused on denying rights to LGBTQ individuals to have a reckoning.

It will allow the community to be counted and, therefore, heard.

Not only is this bill necessary, it is a top priority of President Biden.

During his first day in office, President Biden issued numerous executive orders to strengthen the rights and improve the lives of LGBTQI+ people across this country.

He directed all Federal agencies that enforce Federal laws prohibiting sex discrimination to also prohibit discrimination based on sexual orientation and gender identity.

Just last week, he established a new Federal coordinating committee on sexual orientation and gender identity for data which will lead efforts across agencies to identify opportunities to strengthen this data collection, while safeguarding privacy protection and the civil rights of individuals.

These are all great initiatives, but we need to go further and codify them into law. This is why this bill is so important.

In addition, this bill includes implementation of a process for Federal agencies to routinely assess changes needed in the collection of this data. This will provide enough flexibility for Federal agents to use the most effective data collection methods for their agency.

We are grateful for the invaluable support and input of more than 200 LGBTQI+ groups and allies that have helped get this legislation to where it is today. It could not have been done without them.

This is an important piece of legislation for each and every LGBTQI+ individual in our Nation. As a proud ally, I urge my colleagues to support this bill so that all our constituents are seen, heard, and counted.

We are not ignoring the current challenges facing Americans. They are not being ignored, as was brought up. Rather, we are treating all Americans equally and being inclusive.

And in this great legacy of our Nation, one of the great legacies that all of us who take pride in being part of this Nation, who take pride in being Americans, one of the great legacies is that this Nation offers, under the rule of law, an inalienable right of equality; an inalienable right of access, and for public policy to reflect the needs and respond to the needs of all individuals.

This bill takes us one step further in this direction. This bill is not punitive; it is inclusive. This bill is not mean-spirited; it is welcoming. And this bill, above all, is American for all Americans.

Mr. COMER. Madam Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. GROTHMAN).

Mr. GROTHMAN. Madam Speaker, I thank the gentleman for yielding.

I rise today in strong opposition to H.R. 4176. This horrifying bill would require all Federal agencies that collect demographic data to ask Americans about their sexual orientation or gender identity; and that goes all the way to including the Census, ultimately, affecting every American.

I realize the majority party will claim that you don't have to fill out this form. But we all know, as a practical matter, almost all people presented with a form will fill out the whole thing. There are very people who have the gumption or whatever to say,

I refuse to fill out such and such a question.

Now, honestly, this bill affects adults. And I am old enough to remember when the gay rights movement was supposed to be about, we are not going to poke around and see what people are doing in the bedroom. Now we are kind of going in the opposite direction. We are going to require everybody to talk about their sexual orientation which, by itself, is a little bit offensive.

But I am also going to focus more on the fact that this bill requires—doesn't require but asks for responses from people under 18 years of age, which is just almost beyond belief.

If a parent gets randomly selected to fill out the National Survey on Children's Health, Democrats want the Federal Government to ask parents to disclose if their 3-year-old son is attracted to boys or girls. That is why we should call this, steal our children's childhood act.

When public schools report data to the U.S. Department of Education's Civil Rights Data Collection, schools will ask kindergartners through 12th graders what their sexual orientation is or which gender they think they are.

What exactly are you supposed to respond if you are an 8-year-old child?

What are they supposed to do with this question?

Johnny, here we have a question for you. And what is he going to say? I am gay because my favorite cartoon character is gay. I'm trans because I like my mother's dress.

I don't know what they are supposed to do with this question, and I think it is absurd that we would ever expect anybody to ask these questions of a little child. But clearly, that is what the majority party wants.

And we hear about today like people you couldn't tell what they are when they are 6 years old or 5 years old. I mean, really beyond belief.

And like I said, our corrupt popular culture today, we are told people are identifying as something or other when they are 7 or 8 years old.

So in any event, I think it is obvious to vote "no" on this bill. I don't know how, as a country, we got to a place where we are asking 7- or 8-year-olds to declare a sexual preference, but that is where we are today; and the majority party thinks it makes perfect sense.

The Democrats must know this is wrong.

The SPEAKER pro tempore (Ms. JACKSON LEE). The time of the gentleman has expired.

Mr. COMER. I yield an additional 1 minute to the gentleman from Wisconsin.

Mr. GROTHMAN. I guess we can about wrap this up.

I want the American public, though, to stop and think where we are today. We are going to pass a bill in which 7- or 8- or 9-year-olds are supposed to declare a sexual preference.

I will close by saying, the clergy of this country should ponder how we got

this far and what they want to do about it.

Mrs. CAROLYN B. MALONEY of New York. Madam Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), the distinguished majority leader.

Mr. HOYER. Madam Speaker, I thank the gentlewoman for yielding.

Obviously, in order to serve the American people and to serve their needs, we take in a lot of information—in this case, voluntary information, to determine what we can do to assist and make better the lives of people and the challenges they face.

This Pride Month we celebrate all the progress we have made over the years to help LGBTQ Americans express themselves more openly, to help their community become more visible, and to be free from the danger of violence perpetrated against them because of who they are.

We must acknowledge, however, that the Federal Government does not do enough to ensure that that community is seen and considered when making key policy decisions.

Although there is evidence that LGBTQ Americans, especially transgender people, still face substantial prejudice in areas such as housing, employment, and education, we need more data to determine the scope of these challenges and to devise a policy solution that works for all.

To promote visibility, foster inclusion, and build equity and equality for LGBTQ Americans, this legislation would ask the Federal agencies to collect voluntary information on orientation and gender identity whenever they ask for other demographic data.

I want to emphasize, as I know has been emphasized, that although this data will be processed anonymously, submission of this information will always be and continue to be completely voluntary.

Americans should never be forced to disclose their sexual orientation or gender identity to the government, period. To that extent I think we all agree.

I thank Representative GRIJALVA for introducing this legislation, as well as Chairwoman MALONEY and her colleagues on the Oversight and Reform Committee for their efforts to advance this bill.

Although we still have much to do to address the disparities and marginalization of the LGBTQ people and what they face in America, this bill will help equip policymakers with the tools and information needed to make further progress.

Our vote today is a continuation, frankly, of the efforts of Johnson, Milk, and other leaders who showed courage in the LGBTQ community to come forward and to say that we are people and we need to be treated as equal under the law. And this will, I think, help us meet that responsibility.

Mr. COMER. Madam Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. BIGGS).

Mr. BIGGS. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, today we have heard impassioned arguments from House Democrats about the need to gather better data on the American population. In fact, the majority leader just said: Obviously, we take information to better provide services to Americans. That is what he said.

As required by the Constitution, the decennial Census is carried out every 10 years to conduct an actual enumeration "in such manner as Congress shall by law direct."

It is well past time—it is well past time that Congress, again, directs the Census Bureau to collect data on the citizenship of respondents.

I realize that many of my colleagues do not believe that there is a crisis on our southern border. But just last month, CBP had 239,416 encounters along the southern border. And what that means is every encounter is either a surrender or an arrest of somebody who is illegally in the country.

Of those, 25 percent involved an individual who had at least one prior encounter in the previous 12 months. This does not include the number of known and unknown getaways which, last year, are estimated to have been a million individuals we don't know anything about.

So whether someone is a U.S. citizen is an important data point that should be recorded in the Census and on other Federal data surveys. If we are going to get information, as the majority leader said, this should be in that panoply of information.

As we have heard today from my colleague across the aisle, data from these Federal surveys inform policy decisions. For instance, decennial Census data informs Federal funding and enforcement of the Voting Rights Act.

□ 1515

I believe we should know whether the Federal Government is serving its citizens well, but how can we do that when we do not know how many citizens there are, how many actual citizens there are, or where they live?

Today, I will offer a straightforward solution to this problem as a motion to recommit. If we adopt the motion to recommit, we will instruct the Committee on Oversight and Reform to consider an amendment to require the Federal surveys covered by the bill—including the U.S. Census—to also ask respondents whether they are U.S. citizens.

In contrast to asking intrusive questions about sexual orientation that serve no legitimate purpose, the Federal Government should have a better understanding of the U.S. citizens residing in America and those who are not citizens.

This information will better inform lawmakers and ensure the government is working to better the lives of Americans, which is what I have heard is the stated goal of the Democrats.

It is time that the U.S. Government—and U.S. Congress, especially—works to protect the prosperity of the American people. Such serious work starts with strong borders and a sound immigration policy that is actually enforced.

Contrary to what the chairwoman stated in the Rules Committee, the Supreme Court has not decided it is unlawful to inquire about citizenship on the Census.

The Supreme Court—let me reiterate that—has not said you cannot inquire about citizenship. That is false. It has been done historically.

In the prior case before the Supreme Court, the process leading up to putting the question on the Census was flawed. Upon that basis, the question was decided.

But the decision states, “The Enumeration Clause permits Congress, and by extension, the Secretary, to inquire about citizenship on the Census questionnaire.”

That is what we are doing. We are following the Constitution as has been recognized by the Supreme Court. It is critical to ensuring an accurate apportionment of Representatives in the House based on the Census—in this House—unlike the information this bill seeks to collect. Similar to your underlying bill, this information will be voluntarily gathered.

Today, the American people will finally get to see their Representatives take a vote on this important matter.

Madam Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD immediately prior to the vote on the motion to recommit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mrs. CAROLYN B. MALONEY of New York. Madam Speaker, I respond to his statements on the citizenship status in saying that it should be collected with LGBT data.

I want to make it very clear that the citizenship question should not be part of this bill. Requiring that citizenship questions be included in this bill is a duplication and totally unnecessary.

The Census Bureau and the Bureau of Labor Statistics already ask about citizenship status in two different surveys: the American Community Survey, and the Current Population Survey.

This data is collected in addition to the volumes of citizenship records collected and maintained by the Department of Homeland Security.

The Trump administration's efforts to add the citizenship question to the Census was a fear tactic, intended to discourage specific people from participating in the Census, and to exclude them from the count.

Requiring citizenship data collection on Federal surveys was, and always will be, about suppressing data sets and denying U.S. citizens and residents the

representation and resources they need to contribute to their communities.

Now, the Supreme Court ruled that the Trump administration's stated reasoning for adding the citizenship question was “pretextual.”

Unlike the citizenship question, collecting data on sexual orientation, gender identity, and variations in sex characteristics will allow individuals to receive the proper care and resources they need to thrive, while helping to combat the discrimination they face every day.

Unlike the citizenship question, these questions will be voluntary, and respondents' privacy will be vigorously protected.

Madam Speaker, I yield such time as he may consume to the gentleman from Rhode Island (Mr. CICILLINE), Chair of the LGBTQ+ Equality Caucus.

Mr. CICILLINE. Madam Speaker, I thank the chairwoman for yielding.

I rise in strong support of the LGBTQ+ Data Inclusion Act. I will say it is troubling for me to hear of the ongoing effort by our Republican colleagues to cancel the LGBT community.

Efforts are underway to be sure that you are not allowed to speak about members of the LGBTQ community, the “Don't Say Gay” laws that are percolating in State legislatures and that have been passed in some; efforts underway to ban books that include depictions of members of our community; and now, today, an effort to oppose collection of data so you can pretend we don't exist.

We are not going to tolerate that because LGBTQ+ members have existed in this country for a very long time, and for far too long, Federal surveys have failed to collect critical data on our community.

But we know even with the limited data that we have that the LGBTQ community is facing many, many great challenges. LGBTQ+ people face higher rates of unemployment, poverty, and housing insecurity and have worse physical and mental health outcomes than their peers. That is a fact.

These adverse experiences are not just a consequence of who they are, but they are a consequence of the way the LGBTQ+ community is treated in our country and in society.

They are disparities that are a result of a society where discrimination, rejection, harassment, even bullying of LGBTQ+ people is still common. They are the result not of our identities, but of how society treats members of our community.

Unfortunately, we are in particularly perilous times for our community because in the last year alone, State legislatures have enacted more than two dozen anti-LGBTQ+ laws. Is it any surprise that our community still has so many obstacles to overcome?

While we know of some of these obstacles, we lack clear, comprehensive Federal data on our community and our experiences. The LGBTQ+ Data Inclusion Act will change that.

Good policy comes from good data. If we are going to better serve the LGBTQ+ community, we need to be represented in Federal studies and surveys so that we can better tailor policy solutions and address the most pressing issues facing LGBTQ+ Americans.

As States move to codify discrimination into law, it is even more critical than ever that the Federal Government collect this data on our experiences so that we will have better data to be able to develop better tools to tackle the many obstacles that face our community.

You know, the whole purpose of this is a recognition that particularly for LGBTQ+ youth, which seems to be the real target of this effort to cancel, this cancel culture, that they deserve to be treated with respect and kindness and empathy like every other kid.

It is imperative that we collect data so that young people can understand that they matter, and that when we think about mental health strains and housing instability and more, that we are going to develop solutions that address their issues.

This legislation is about making us better as a country, more inclusive, making us better policymakers, while preserving the privacy of all people in the United States, including children.

You know, some people in this Chamber want to deprive LGBTQ youth of the care and the resources they need to live healthy, authentic lives. They are making inaccurate claims about today's legislation for that reason.

Let me remind you: The Trevor Project just released a report. Madam Speaker, 45 percent of LGBTQ youth seriously considered suicide in the past year. Almost half of these kids in the LGBTQ community seriously considered killing themselves.

Madam Speaker, 25 percent of LGBTQ youth experience homelessness or housing insecurity. If you are an LGBTQ youth, you are four times as likely to attempt to kill yourself, and 43 percent of trans kids report being bullied in school.

So these are real challenges. Nobody should be okay with that. We want to make sure, as so many leading medical organizations have already affirmed, the importance of providing safe, supportive environments for LGBTQ youth and young people to grow up.

By ensuring that we have robust, exclusive data, today's legislation will help to ensure that our policies provide every family in this country and every LGBTQ+ young person access to the resources they need.

We should all want that. You just can't cancel a group of folks because you don't like them. This is America. Every single person deserves to be counted, deserves to be respected, deserves to have access to their government, and the collection of data does a critical part of that work.

I will end by thanking Chairman GRIJALVA for introducing this legislation, thanking Chairwoman MALONEY for

helping shepherd this bill to the floor and for her strong advocacy, and I urge my colleagues: Think about those statistics. Think about the young people who are being impacted when you vote, and vote “yes.”

Mrs. CAROLYN B. MALONEY of New York. Madam Speaker, I thank the gentleman for his extraordinary statement, and I reserve the balance of my time.

Mr. COMER. Madam Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. BIGGS).

Mr. BIGGS. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I just want to cover and address some of the statements made by the chairwoman regarding my previous statement.

She admitted in her statement that several surveys already gather the info that they seek in the underlying bill. Yet, that was a rationale for not asking the citizenship question.

What is good for the goose is good for the gander. You are already collecting some of this information, as you admitted, from 5 different agencies, and you want to expand it to 130. You said, well, you guys get it from the Department of Labor statistics on the question of citizenship. Hey, let's get it all across the board. Let's do it all across the board. Same rationale.

The chairwoman said the LGBTQ question will be voluntary, but the citizenship question is not. That is simply untrue. If you look at the amendment, that would be there.

We discussed this in the committee. All you are doing is you are adding, in some cases, just the word “citizenship” to the questions that you are already asking, or you are asking whether or not the respondent is a citizen of the United States.

That is voluntary. It is not mandatory. That is just untrue to say that.

Then the argument was made that the Supreme Court used a rationale that was inaccurate. The Supreme Court rationale for not allowing the Trump administration, through an executive agency, to ask the citizenship question on the Census was this: It was because the process was not initiated by Congress.

The Supreme Court specifically stated, “The Enumeration Clause permits Congress, and by extension, the Secretary, to inquire about citizenship on the Census questionnaire.”

It had not been done by Congress. It had been done by a lower-level agency. So all of those things should now dispel the arguments against including this amendment. That is why I am going to encourage everyone in this body to support the motion to recommit.

Mrs. CAROLYN B. MALONEY of New York. Madam Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE), the distinguished chief deputy whip.

Ms. JACKSON LEE. Madam Speaker, I thank the gentlewoman from New York, Chairwoman of the Oversight

Committee, for her leadership, and Chairman GRIJALVA for his dynamic leadership, as well.

I rise today because I just feel moved by the moment to really talk about truth in the moments that I have. I started this morning by citing the Declaration of Independence that said, we all are created equal—a portion thereof—with the unalienable rights of life and liberty, and the pursuit of happiness.

It is important that today in Pride Month, as I recognize my constituents in Houston, all of them, and the caucus that has been a steadfast advocate in Houston for the rights of all people in the LGBTQI community.

It is important to be counted, to be recognized, and I want to emphasize, again, the distortion of how punitive this will be. It is voluntary.

I know my constituents. Some of them don't even fill out the Census because they are free. They know they don't have to do it. Some of them don't answer questions on the Census.

□ 1530

For anyone to suggest that this would be punitive and that people would be fearful and they would think not to do it, it is voluntary. And I can assure you that this community, LGBTQI+ Americans, remains vulnerable to discrimination on a daily basis.

Only 21 States have laws that explicitly prohibit discrimination based on sexual orientation in employment, housing, and public accommodations, and only 20 States have such protections for gender identity.

H.R. 4176, the LGBTQI+ Data Inclusion Act, is to include and affirm and to be counted.

Do you realize that in most States a same-sex couple can get married on Saturday, then be legally denied service at a restaurant on Sunday, be fired from their jobs on Monday, and evicted from their apartment on Tuesday?

We thought we would be past that after years of working and fighting, but it is important to note that this bill will provide us with the appropriate information.

The SPEAKER pro tempore (Ms. ROSS). The time of the gentlewoman has expired.

Mrs. CAROLYN B. MALONEY of New York. I yield such time as she may consume to the gentlewoman from Texas.

Ms. JACKSON LEE. Madam Speaker, it is high time that we provide equal protection for all members of the LGBTQI community in accordance with the 14th Amendment.

H.R. 4176—again, not punitive—will take us one more step forward in the decades-long journey toward equality by creating a tool kit through which our LGBTQI community members can be represented and the demographic data can be taken.

Let me just simply say that the numbers speak truth. I said I wanted to discuss a moment of truth. When we have the data, we can help with housing,

healthcare, schooling, or special needs that this community would have, representation as it relates to them being counted in Federal funding that may be necessary to aid in their circumstances.

I am reminded of tragedies that have happened before. Does anyone remember a young man being assailed against a fence just because he was part of the LGBTQI+ community?

I met with Matthew Shepard's mother. I remember these atrocities.

I see in a State like mine that transgender families are threatened over trying to find resources for their children. We love our children. We love our families.

The only thing I can see in this legislation is the importance of affirming, counting, treating with dignity, and recognizing that this wonderful community, the LGBTQI+ community, they, too, are America. We, too, are America.

This is a moment of truth, and it is simply collecting data, punishing no one but uplifting all Americans. I ask my colleagues to support H.R. 4176.

Mr. COMER. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, the U.S. House of Representatives should focus on helping the American people survive economic turmoil and defending our borders and national security.

I urge House Democrats to get back to what the American people elected us to do: conduct oversight over the Federal Government and the Biden administration, which is on a path to destroy America.

We need to hold hearings, conduct oversight, and pass legislation addressing the crises affecting Americans today. That is our constitutional responsibility. That is the responsibility of the House Oversight Committee.

Instead, we are spending valuable resources and time on divisive political messaging bills, and that is what this is. I oppose H.R. 4176, and I urge my colleagues to do the same.

Madam Speaker, I yield back the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Madam Speaker, I yield myself the balance of my time to close.

I thank the gentleman from Arizona (Mr. GRIJALVA) for introducing this important legislation. I am pleased that we were able to bring this bill before the House during Pride Month to show that we care about everyone in our country. We think everyone should be counted, everyone should be surveyed, and everyone's needs should be listened to.

I particularly thank the LGBTQ+ Equality Caucus for their attention and work on this bill and the Committee on Oversight staff for all the work required to make this happen.

I am also very grateful to the more than 124 cosponsors, my colleagues here in this body, and more than 200 civil rights, health, and scientific organizations that have supported this bill

and affirm the need for comprehensive Federal data collection on members of the LGBTQI+ communities.

This bill, H.R. 4176, moves this country one step closer to equality and gives us the tools to see and support all of our communities, all of our constituents.

I again urge my colleagues to support this bill. I thank the leadership of this body, our Speaker, our majority leader, and our Caucus chair, all of whom have played a role in supporting this legislation and moving it to a vote today.

Madam Speaker, I yield back the balance of my time.

Ms. JACKSON LEE. Madam Speaker, I am proud to rise in strong support of H.R. 4176, the LGBTQI+ Data Inclusion Act, and to discuss my amendment to this legislation.

Despite significant legal advances over the past several years, including marriage equality, LGBTQI+ Americans remain vulnerable to discrimination on a daily basis.

Today, only 21 states have laws that explicitly prohibit discrimination based on sexual orientation in employment, housing, and public accommodations, and only 20 states have such protections for gender identity.

In most states, a same-sex couple can get married on Saturday, then be legally denied service at a restaurant on Sunday, then be fired from their jobs on Monday, and evicted from their apartment on Tuesday.

Our country is comprised of trans people of color, lesbians living with a disability, gay immigrants, and those experiencing all other manners of intersecting and layering levels of oppression and privilege.

H.R. 4176 would make note of these stories and add their voices to the mosaic of our country.

The data available through these newly developed federal surveys will allow federal agencies to create better policies and practices designed to accommodate the needs of all our Nation's people.

I am conscious of the fact that if Congress expects the LGBTQI+ community to trust the federal government with their information, we must ensure their privacy and protection.

It is imperative that this data not be used to exclude, discriminate against, vilify, ostracize, or in any other way negatively impact anyone in this already vulnerable community.

That is a promise we make today.

Again, I remind you of the long path to full equality we walk. Let it be known, however, that one day our Nation will find itself knocking on equality's door.

When that happens, future LGBTQI+ Americans will look back and see themselves not hidden in shame, but present.

Present in our census, in our housing surveys, in our employment surveys.

They will be present in our metropolitan cities and in our rural towns, from the Atlantic beaches to the Pacific Northwest. From the forests of Alaska to the plains of my own Texas.

Through the LGBTQI+ Data Inclusion Act, LGBTQI+ Americans will be able to say—I was there. I am here.

It is high time that we provide equal protection for all members of the LGBTQI+ community in accordance with the 14th Amendment, which ensures equal protection for ALL Americans.

H.R. 4176 will take us one more step forward in the decades-long journey towards equality by creating a toolkit through which our LGBTQI+ community members can be represented in demographic data collection—and ultimately protected under the law.

This bill will require federal agencies to assess the ways in which they document sexuality, gender identity, and gender variance in surveys and provide new opportunities for LGBTQI+ individuals to self-identify themselves—all while ensuring the privacy and dignity of the people involved.

Though this legislation enacts a simple change on federal surveys, it represents a great gesture for our future.

We are not just talking about numbers today.

We are not just talking about percentages and ratios and clusters.

We are talking about the documentation and legacy of the great diversity of this Nation, and about enacting tools through which that diversity can be represented and protected.

As you all know, representation is the bedrock of American democracy.

If the government does not see you, how can it serve you?

As we discuss this Act, I especially want to keep in mind the members of the LGBTQI+ community who experience the fluidity and intersectionality that are aspects of gender and sexual identity.

Of course, gender and sexuality are just two facets of personhood.

Race, religion, socio-economic status, geographic region, disability status, and culture all play a part in crafting identity.

Madam Speaker, all of this is true about H.R. 4176, and yet, I encourage my colleagues in Congress to push for more.

That is why I believe my amendment is very important.

My amendment would direct the Comptroller General to issue a report to Congress about the impact of the implementation of this Act on the provision of services to LGBTQI+ persons.

It would assess the impact of H.R. 4176 by ensuring transparency into the correlation between the provision of services and one's gender identity, sexual orientation, and variations in sex characteristics.

Data collected through this Act would be used to monitor the flow of social services to LGBTQI+ communities. This will encourage the provision of services to the LGBTQI+ community, and if there are shortcomings, Congress and the public will be informed of them so that they can be remedied soon thereafter.

Despite our many gains, the United States is not always a welcoming place for individuals across the spectrum of genders and sexualities.

This is especially true for those coming from un-affirming communities and families—those for whom living their authentic lives may come at the cost of social ties and support systems.

For some, authenticity can be isolating. As my colleagues know, the depression and suicide rates of LGBTQI+ individuals are horrifically high.

LGBTQI+ youth in particular are at greatest risk.

In Texas, The Trevor Project saw nearly 15,000 crisis contacts from LGBTQI+ youth in 2021.

Research consistently shows that trans and gay youth are more likely to experience de-

pression when living in un-affirming or discriminatory environments.

Alternatively, the presence of supportive close friends and family in the life of an LGBTQI+ youth has a direct positive impact on that youth's self-esteem and overall health.

That supportive person could be a teacher, an athletic coach, a mental health counselor, or a troop leader.

The data available in H.R. 4176 could be used to help put more of these mentors in the lives of LGBTQ+ youth every day.

The LGBTQI+ Data Inclusion Act would enable agencies that provide mental health and other social services to gain access to a wealth of information about the communities they serve, so that they can better serve the LGBTQI+ community.

My amendment would allow us to see if they then use this data and their resources to safeguard the well-being of some of our Nation's most vulnerable individuals.

Ultimately, the Comptroller General study required by my amendment enables Congress to monitor the progress of H.R. 4176 in action.

It is with that in mind that I urge my colleagues to step forward in support of the LGBTQI+ Data Inclusion Act and my amendment.

Our lesbian, gay, bisexual, transgender, queer, and intersex communities deserve to be documented in our Nation's history. They deserve to have their stories collected and used for their well-being. I am honored to be a part of that aim today.

The SPEAKER pro tempore. All time for debate has expired.

Each further amendment printed in part B of House Report 117-381 shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, may be withdrawn by the proponent at any time before the question is put thereon, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MS. JACKSON LEE

The SPEAKER pro tempore. It is now in order to consider amendment No. 1 printed in part B of House Report 117-381.

Ms. JACKSON LEE. Madam Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, after line 9, insert the following (and redesignate the subsequent subsections accordingly):

(e) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall provide a report to Congress on the implementation of the requirements of this Act by agencies, including how the implementation of such requirements by agencies affected the provision of services to persons according to the gender identity, sexual orientation, and variations in sex characteristics of the persons.

The SPEAKER pro tempore. Pursuant to House Resolution 1191, the gentlewoman from Texas (Ms. JACKSON

LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Madam Speaker, I thank the sponsor of this legislation and the chairwoman of the Oversight and Reform Committee for bringing this legislation to the floor.

Data collection is an indispensable tool to understand and address changes facing the LGBTQI+ community and other sexual- and gender-diverse communities.

Madam Speaker, I include in the RECORD an article from American Progress dated May 24, 2022.

[From American Progress, May 24, 2022]

COLLECTING DATA ABOUT LGBTQI+ AND OTHER SEXUAL AND GENDER-DIVERSE COMMUNITIES

Data collection is an indispensable tool to understand and address challenges facing LGBTQI+ and other sexual and gender-diverse communities. Although strides have been made in recent years, a persistent lack of routine data collection on sexual orientation, gender identity, and variations in sex characteristics (SOGISC) is still a substantial roadblock for policymakers, researchers, service providers, and advocates seeking to improve the health and well-being of LGBTQI+ people. More comprehensive and accurate point-in-time and longitudinal demographic data on SOGISC are crucial to:

- Advance research agendas;
- Evaluate population trends;
- Identify community-based needs;
- Provide high-quality services;
- Track and address discrimination;
- Equitably distribute funding and other resources; and

Shape evidence-based policy solutions to promote equity and reduce disparities faced by LGBTQI+ populations.

As the size and diversity of LGBTQI+ populations in the United States continue to expand, particularly among youth and young adults, the importance of collecting data on these communities only continues to grow. Failing to collect these data can create harms by hindering the ability of researchers, policymakers, service providers, and advocates to understand the experiences of LGBTQI+ communities, identify disparities, generate policies that promote equity, and evaluate the effectiveness of those policies. Yet currently, the number of federally funded surveys that include questions to identify LGBTQI+ respondents is limited.

While there are many kinds of data relevant to the experiences of LGBTQI+ communities, this report focuses specifically on data collection to capture SOGISC in two types of settings: general population surveys and surveys of LGBTQI+ communities. General population surveys assess a large sample of the entire population, of which the majority identify as cisgender and heterosexual and will not have intersex traits. In contrast, LGBTQI+ community-based surveys sample a population predominantly comprising sexual and gender minorities. Community-based surveys can provide important opportunities to learn more about even smaller or less-studied sexual and gender minority populations, such as people who are asexual, same-gender-loving, or Two-Spirit. Because of their specific focus on sampling LGBTQI+ populations, community-based surveys may also be more likely to reach larger proportions of groups such as LGBTQI+ people of color, older adults, youth, people with disabilities, people receiving social welfare support services, people

whose primary language is not English, and people interacting with the criminal legal system.

When designing questions to accurately and effectively survey either the general population or a predominantly LGBTQI+ population, researchers must carefully weigh a number of key considerations that are explained in this report. Regardless of the type of survey, however, it is imperative to ensure the following:

Entities collecting demographic data, including data related to SOGISC, do so with a specific and well-defined goal, such as collecting statistics on health experiences or understanding the performance of a government benefit program.

Data are collected, used, maintained, and shared only with strong privacy, confidentiality, and ethical standards in place to minimize the risk of data disclosure and misuse.

Entities collecting data adopt and post clear nondiscrimination and confidentiality policies. These policies should identify relevant legal nondiscrimination protections; state why the data are being collected and how they will be used; share contact information for resources to enforce protections; and provide assurance that confidentiality will be respected and that participation is voluntary, allowing respondents to provide well-informed consent with the knowledge that disclosure is voluntary and that they have the right to opt out of responding.

Research and researchers comply with and are certified through the Collaborative Institutional Training Initiative and consult community-based resources about how to conduct effective and ethical research with LGBTQI+ populations that ensures minority populations have a voice and role in the design of survey questions.

LGBTQI+ people are meaningfully involved in question development, testing, and the evaluation process.

This report examines best practices and key considerations for collecting data on SOGISC in both general population surveys as well as LGBTQI+ community-based surveys. The first section of the report highlights evidence related to asking these questions in general population surveys and examines critical considerations, as well as avenues of future research that policymakers and researchers should support. The second section of the report compiles both evidence from existing survey designs and interviews with LGBTQI+ individuals to create new suggestions and recommendations for SOGISC question design in surveys of LGBTQI+ communities. Ultimately, improving SOGISC data collection through these kinds of general population and community-based instruments is crucial to identifying disparities and crafting policy solutions that promote more equitable outcomes for LGBTQI+ communities.

General population surveys are used to collect data from representative samples of the population, allowing researchers to create population estimates, describe population demographics, assess disparities, compute statistical weights for survey analysis, and develop policy, program, and funding priorities. Federal, state, and local governments rely on data from general population surveys such as the decennial census, the American Community Survey (ACS), and the Current Population Survey (CPS) for everything from allocating budget resources to deciding where to locate hospitals.

The persistent lack of routine data collection on SOGISC remains a significant challenge for policymakers, researchers, service providers, and advocates seeking to improve the health and well-being of LGBTQI+ people. Currently, most surveys, including those

fielded by the U.S. federal government and many state governments, do not collect SOGISC information. While some surveys, such as the census and the ACS, now invite people to answer questions about their marital status or living arrangements in ways that allow researchers to identify same-sex couples, this only captures a small segment of the LGBTQI+ population. By not asking specific questions about SOGISC, these surveys fail to account for single LGB people or LGB people who are in a relationship but not cohabitating with their partner(s), as well as transgender people and intersex people altogether. For example, according to the latest Gallup data, just 10 percent of LGBT adults in the United States are married to a same-sex spouse, while an additional 6 percent live with a same-sex domestic partner. This means that more than 5 in 6 LGBT adults cannot be identified by existing questions in nonexperimental surveys conducted by the U.S. Census Bureau such as the ACS and the census, which only account for cohabitating same-sex couples. Failing to collect SOGISC data creates real harms—hindering the ability to fully understand the experiences of LGBTQI+ communities; to craft sound policies that are inclusive of LGBTQI+ people and their needs; and to evaluate the effectiveness of policies to address disparities and promote more equitable outcomes.

More than 5 in 6 LGBT adults cannot be identified by existing questions in nonexperimental surveys conducted by the U.S. Census Bureau such as the ACS and the census.

As recommended by the National Academies of Sciences, Engineering, and Medicine in their 2020 report, U.S. population surveys must routinely collect, analyze, and report demographic data that include SOGISC questions. The information gathered by general population surveys shapes major policy decisions and allocations of critical resources related to health care, housing, employment, education, and other services and benefits, affecting the everyday lives of LGBTQI+ people and making the need to adopt SOGISC measures even more urgent. Notably, expanding data collection on SOGISC through government population-based surveys will result in a larger sample size than in privately conducted surveys. This is important because larger samples allow for better, more reliable study and a richer understanding of the diversity of the LGBTQI+ community. Moreover, having larger samples will facilitate analysis and provide greater comprehension of the experiences of populations that are living at the intersection of multiple marginalized identities.

Expanding and enhancing SOGISC data collection also provides critical tools necessary to craft policy solutions to improve outcomes and advance equity. By improving data collection on LGBTQI+ populations, government agencies can take meaningful steps to fulfill the directives set out by executive orders 13988 and 13985, which President Joe Biden signed on day one of his presidency.

LGBTQI+ advocates have long called for the federal government and researchers to add SOGISC questions to major surveys and other data collection efforts as a way to begin addressing the deficiency of data on LGBTQI+ populations and gaps in knowledge and policy affecting LGBTQI+ people. Government officials, researchers, and others have questioned whether the general population, composed mainly of non-LGBTQI+ people, would understand these questions, answer them accurately, or even refuse to answer them. The answers to these questions are important because they affect the quality of data gathered about LGBTQI+ people and, by extension, the resources allocated, decisions made, and policies created that affect LGBTQI+ communities.

Importantly, numerous federally supported entities and other expert bodies have issued reports to determine methodological best practices and improve measurement of SOGISC in federal surveys. These groups have contributed to a robust and continually growing body of research providing evidence that SOGISC questions can be readily deployed in federally funded and other surveys. For example, evidence indicates that:

Sexual orientation and gender identity data are not considered especially difficult or sensitive for survey respondents to report, meaning that people generally understand what the questions are asking and are willing to answer them.

Securing participation of sexual minorities in surveys does not require higher levels of effort, meaning it will not create added costs or obstacles that would prohibit the government or other researchers from conducting more inclusive data collection.

People with intersex traits appear willing to disclose their status and support collecting data on this measure in research.

People will answer sexual orientation and gender identity questions even across a variety of modes (for example, telephone surveys and paper surveys) and via both self-reporting and proxy reporting (for example, when a single household member responds on behalf of all household members) in federal large-scale general population surveys.

In other words, existing evidence addresses many of the major hesitations or questions posed by government researchers and others. Put simply, while more research is needed to continue improving SOGISC measures, evidence suggests these questions can function well in major general population surveys, and they should be asked. For example, in 2021, the Census Bureau updated its experimental data collection effort on the COVID-19 pandemic to include questions about sexual orientation and gender identity in the Household Pulse Survey. This historic step marks the first time a Census Bureau-sponsored survey has asked sexual orientation and gender identity questions and highlights the ways in which these questions can—and do—work in large, nationally representative surveys. Expanding LGBTQI+-inclusive data collection by asking SOGISC questions on general population surveys is paramount to advancing equity for LGBTQI+ communities.

Ms. JACKSON LEE, Madam Speaker, I include in the RECORD an article from the National Education Association, “New Survey Data Shows LGBTQ+ Youth Mental Health Crisis.”

[From the National Education Association, May 25, 2022]

NEW SURVEY DATA SHOWS LGBTQ+ YOUTH MENTAL HEALTH CRISIS

Last year, nearly half of LGBTQ+ youth seriously considered killing themselves, including more than half of trans youth, according to new data from The Trevor Project.

These figures reveal a deadly, mental-health crisis among high school and college-age LGBTQ+ youth of all races, which has been worsened by the Covid-19 pandemic and by recent, political attacks on LGBTQ+ students by state legislatures across the nation.

“The [Trevor Project] study is actually on my computer screen right now to send it to my colleagues,” says Florida high school teacher Michael Woods, whose state recently passed a law that enables parents to sue school districts for teaching LGBTQ-positive curriculum. “Especially here in Florida, with the ‘Don’t Say Gay’ law, which should also be called ‘Don’t Say Trans,’ we have a lot of kids in stress,” he says.

The study, which involved 35,000 LGBTQ+ high school and college-age youth, of various

racess and identities, also shows how schools and colleges can help. A little more than half of LGBTQ+ youth identified their school or college as “an LGBTQ-affirming space”—and those students reported lower rates of attempted suicide. Even something as simple as using the correct pronouns—the ones that match students’ gender identity—can decrease suicidal ideas.

“Small steps can make a big difference,” says Joe Bento, a Seattle high school teacher who also is chair of the Washington state chapter of GLSEN, a national organization that helps educators make schools more affirming for LGBTQ+ students.

The Trevor Project data shows how things have gone from bad to worse for LGBTQ+ youth in the past two years. In 2019, 40 percent of LGBTQ+ seriously considered suicide; in 2021, the rate hit 45 percent.

And it’s even scarier among students of color. About one in five Black LGBTQ+ students attempted suicide last year, as did a slightly higher rate of Indigenous LGBTQ+ students.

Meanwhile, mental-health care is scarce. Nearly half of LGBTQ+ youth—and more than half of Latino LGBTQ+ students—told the Trevor Project that they wanted counseling and didn’t get it.

The pandemic is an obvious factor, educators say. When colleges and schools switched to virtual learning, many LGBTQ+ students were closeted in homes where their identities are hidden. (Only 1 in 3 LGBTQ+ youth said they have LGBTQ-affirming homes.) These students may have lost access to counselors or other supports, like a Gay-Straight Alliance or GenderSexuality Alliance (GSA) club.

“For a lot of queer students, school is their safe space,” says Bento. “For a year and a half, they weren’t in that safe space.”

Now, students are back on campuses, in school buildings—but that doesn’t mean everything is okay, notes Bento. After two years of pandemic-related isolation and trauma, students desperately need mental-health support. “When we got back, that didn’t necessarily happen,” he says. “Suddenly it’s state testing! And it’s this, this, this! Everything is ‘back to normal,’ but normal was garbage.”

Many students are suffering. But it’s almost always the most marginalized students who have the least access to mental-health supports, Bento points out.

It’s not just the pandemic. Making matters worse for LGBTQ students, nearly 240 anti-LGBTQ+ bills have been filed this year in state legislatures, most of them targeting trans people, according to an NBC News analysis.

Many of these bills have been signed into laws that ban trans women and girls from participating in high school sports, prohibit trans students from using school bathrooms and locker rooms that match their gender identity, and restrict LGBTQ-positive school curriculum. For example, Florida’s new law enables parents to sue districts if they think their child has had inappropriate instruction on gender and sexuality. The cost of litigation will be borne by districts, which already are removing curricula.

LGBTQ+ students are very aware of laws that seek to harm them, educators say—and it causes them anguish. “They’re just coming back to the rigors of school [after the pandemic]—and now this!” says Woods.

NEA and its affiliates strongly oppose these laws. This spring, NEA President Becky Pringle wrote an open letter to Florida students, published in the Sun-Sentinel newspaper. “From protests to walkouts, you are bravely showing these politicians that you aren’t afraid to stand up for yourselves . . . To our students in Florida and else-

where: We see you! We hear you! We are with you!”

For his part, Woods, an educator of 29 years, isn’t afraid either. He wears his “We’re All Human” t-shirt and answers his students’ distressed questions. But he worries about younger teachers with less job security, living in more conservative areas. Many may feel like they can’t be the educators that students need.

“When young people don’t feel like they have anywhere to turn or anyone to talk to . . . well, I know why the stats are the way they are,” he says.

NEA members and their unions are working hard to get more supports for students. In St. Paul, Minn., educators went to the brink of striking this spring to protect the presence of mental-health teams in every St. Paul school. Other K12 unions—like in Natrona County, Wyo.—are making sure federal pandemic-relief funds are spent to hire more school counselors and other professionals.

Recently, the Biden administration urged colleges and universities to do the same with their money.

But it’s also possible for individual educators to create affirming spaces in their offices, classrooms, buses, and other spaces. “Words matter,” says Bento, who introduces himself to his students like this: “My name is Mr. Bento. I use he/him pronouns.”

Safe space posters are great at signaling that you support your LGBTQ+ students but may not be allowable in all places. “In those places, you can still put something on your body, like a lanyard,” says Bento. (The NEA LGBTQ+ caucus, of which Bento is a member, offers “Safe Person, Safe Space” cards for educators to put in their lanyards.)

Bento uses the word “partner,” instead of boyfriend or girlfriend, a subtle nod to the fact that not every relationship looks the same and that some students may not identify as male or female. “Think about who is not represented [in your words, in your curriculum],” urges Bento.

Yes, curriculum matters, too. (See GLSEN’s inclusive curriculum resource.) “Students need curriculum that reflects who they are, they need positive representation,” says Bento. “And not just Harvey Milk! Not just the AIDS epidemic! Where’s the joy?”

In fact, The Trevor Project asked LGBTQ+ youth the same question: “Where do you find joy?” The responses can guide educators in creating better spaces for all students. Answers include:

- Learning about LGBTQ history;
- Learning I’m not alone and there are more people like me;
- Supportive teachers;
- Having a safe space to express gender, gender identity, and sexuality;
- LGBTQ clubs on campus; and
- Living as their authentic self.

Ms. JACKSON LEE, Madam Speaker, I include in the RECORD an article from National Public Radio titled “The Census Bureau’s first ever data on LGBTQ+ people indicates deep disparities.”

[From National Public Radio, Sept. 24, 2021]
THE CENSUS BUREAU’S FIRST EVER DATA ON LGBTQ+ PEOPLE INDICATES DEEP DISPARITIES

The U.S. Census Bureau in July began asking Americans about their sexual orientation and gender identity—a watershed moment that marks the first time the federal government has tried to capture data on LGBTQ+ Americans in its large real-time national surveys.

The results so far are preliminary, but they do indicate that the disparities queer

Americans experienced prior to the pandemic have continued to endure 18 months in. For some, those disparities have grown deeper.

According to the data, which captures results from July 21 to September 13, LGBTQ+ people often reported being more likely than non-LGBTQ+ people to have lost employment, not have enough to eat, be at elevated risk of eviction or foreclosure, and face difficulty paying for basic household expenses, according to the census' Household Pulse Survey, a report that measures how Americans are faring on key economic markers during the pandemic.

While think tanks like the Williams Institute at the UCLA School of Law and advocate-led research groups have previously studied LGBTQ+ poverty, no large government population surveys, like those conducted by the census or the Treasury Department, have attempted to capture the realtime economic experiences of LGBTQ+ people.

Previously, those analyses were limited to studies of "same-sex couples," a question the census began analyzing with limited success in 1990, but that leaves out significant portion of LGBTQ+ people. Lack of accurate data on the population as a whole—and particularly on transgender people, a group that has been chronically under surveyed—hampered any federal response to persisting inequities, advocates say.

"Having this on [the Pulse survey], both as a way to understand what's going on during the pandemic, but also hopefully as a starting point to more federal data collection, is really an important moment," said Bianca D.M. Wilson, the senior scholar of public policy at the Williams Institute.

The data has only begun to be collected, and it's still too early to tell whether the differences between groups are representative of the LGBTQ+ population overall or just those who were surveyed by the census at a given moment in time.

While researchers cautioned against drawing major conclusions, the trends that emerge in the data are consistent with what other surveys have found prior to the pandemic as a result of employment discrimination, underpay, discriminatory lending practices and other policies that have limited economic mobility for queer people.

According to The 19th's analysis of the first four releases of data from the census survey, as much as 23 percent of LGBTQ+ people and 32 percent of trans people reported having lost employment in the month before the census conducted its questionnaire. About 15 to 16 percent of non-LGBTQ+ people reported the same.

About 12 percent of LGBTQ+ people said they sometimes or often did not have enough to eat. For non-LGBTQ+ people, the figure was between 6 and 7 percent, and for trans Americans, it was as high as 24 percent. About 31 percent of queer people also said they had difficulty paying for basic household expenses; for non-LGBTQ+ people it was 23 percent.

Housing insecurity was prevalent across all groups, with more than 40 percent of people—both LGBTQ+ and non-LGBTQ+—saying they were very or somewhat likely to face eviction by the end of September or October.

It's unclear how accurate the data for transgender Americans is because the sample sizes are much smaller. But it does follow what is already known: Roughly 29 percent of respondents to the 2015 U.S. Transgender Survey, done by the National Center for Transgender Equality and seen as the only comprehensive study of its kind, said they lived in poverty. About 30 percent said they had experienced homelessness in their lifetimes.

"These are sort of the systemic disparities that we observed pre-pandemic, that the pandemic has not only deepened for both groups, but also sort of widened," said David Schwegman, assistant professor of public policy and administration at American University, who has conducted research on "same-sex couples" and housing discrimination.

Wilson at the Williams Institute said that absent this kind of large-scale data collection about LGBTQ+ people, policymakers couldn't truly answer big questions about whether attempts to address economic stress exacerbated by the pandemic—like the now-expired federal eviction moratorium—were working for everyone.

But data collection is only one step toward equity.

Dean Spade, an associate professor at Seattle University School of Law who has also advised the upcoming National LGBTQ+ Women's Community Survey by think tank Justice Work, said that real change requires more than just counting trans and LGBTQ+ people at the federal level.

Counting marginalized people to better understand the issues they face doesn't necessarily mean their suffering will be addressed through policy, he noted—and trans people are accustomed to social services leaving them out or not being designed with them in mind. It's why trans people, for example, are helping each other pay for medical procedures that aren't covered by insurance, housing those experiencing homelessness and creating mutual aid networks, Spade said.

"We're helping each other survive right now," he said.

And there are still significant challenges with the data as it is. Samples sizes are small, an issue that has barred marginalized communities, including Asian women, Native Americans and Pacific Islander women, from representation in real-time data on some national surveys.

Those small sample sizes make it difficult to draw big conclusions from the data until months down the line. The Census Bureau said in a statement that it currently doesn't have additional analysis to offer on the data, though it did publish a report on the first set of LGBTQ+ data this summer, finding that LGBTQ+ people are more likely than non-LGBTQ+ people to face economic hardship.

"The primary focus has been on collecting and releasing data in a timely manner but there are plans in the future to release data products that will provide additional context," the bureau said in a statement.

The other challenge has been crafting questions in a way that takes into account knowledge gaps people may have about what terminology best describes them.

The census survey, for example, asks respondents to choose which best represents how they think of themselves: "gay or lesbian"; "bisexual"; "something else"; "I don't know"; or "straight, that is not gay or lesbian." In past attempts to phrase these questions, heterosexual people have been found to incorrectly mark themselves, economists said, so additional phrases have been added to improve clarity.

The survey also asks if people describe themselves as male, female or transgender, and some transgender people may not want to identify themselves given the rise in anti-trans bills across the country, Schwegman said.

Spade pointed to smaller studies led by advocates as important pools of information that can't be found anywhere else, since they ask questions about daily threats like over-policing and poverty.

"I think that those kinds of studies can be, to a lot of us, more valuable than something

larger that didn't ask the questions or that missed whole groups of people in our community," he said.

The real-time data from surveys like the current census one, which will be collecting responses from July 21 to October 11, could help impact policies in real time. The problem for pandemic-related policies being negotiated in Congress this fall is that this data may be coming too late, Wilson said.

"It's 18 months into the pandemic, and had that been the starting place, we would not be looking at a sample size that would create problems for all the analyses that we want to do to understand a trans-specific experience," Wilson said.

Ms. JACKSON LEE. Madam Speaker, my amendment would direct the Comptroller General to issue a report to Congress about the impact of the implementation of this act on the provision of services to LGBTQI+ persons. It would ensure the impact of H.R. 4176 by ensuring transparency in the correlation between the provision of services and one's gender identity, sexual orientation, and variation in sex characteristics.

Again, I have emphasized, we want to have truth and discussion here. We want to be helpful. We want to affirm people and have them counted. Data collection through this act will be used to monitor the flow of social services to LGBTQI communities.

This will encourage the provision of services to the LGBTQI+ community, and if there are shortcomings, Congress and the public will be informed of them so that they can be remedied soon thereafter.

Despite our many gains, the United States is not always a welcoming place for individuals across many spectrums. This is essentially true for those coming from unaffirming communities and families, those for whom living their authentic lives may come at the cost of social ties and support systems.

Madam Speaker, I ask my colleagues to support this amendment because it affirms children, families, our fellow colleagues, our soldiers, law enforcement, first responders, firefighters, teachers, people who see us in the retail area. It affirms America. This knowledge about who we are can be enormously helpful to being a better America.

Madam Speaker, I ask my colleagues to support the Jackson Lee amendment, and I reserve the balance of my time.

The SPEAKER pro tempore. For what purpose does the gentleman seek recognition?

Mr. COMER. Madam Speaker, I rise in opposition to the amendment offered by Congresswoman JACKSON LEE.

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for 5 minutes.

Mr. COMER. Madam Speaker, the amendment admits that the ultimate purpose of this bill is to steer taxpayers' hard-earned dollars to yet another demographic subgroup.

The amendment requires GAO to report on how the bill will impact Federal agency provision of services to individuals—in other words, how Federal

grant programs and financial assistance will be provided based on people's sexual orientation and gender identity.

House Republicans believe that all Americans deserve equal treatment and respect. In fact, that is guaranteed under our Constitution. We oppose the continual dividing of Americans for political purposes. This amendment is pure identity politics and an abuse of taxpayer dollars.

Madam Speaker, I urge my colleagues to vote against this amendment, and I reserve the balance of my time.

Ms. JACKSON LEE. Madam Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. CAROLYN B. MALONEY), the distinguished chairwoman of the full committee.

Mrs. CAROLYN B. MALONEY of New York. Madam Speaker, I rise in support of the Jackson Lee amendment.

This amendment would require reporting to Congress on the impact of data collection on the LGBTQI+ populations, facilitated by this act, and the provision of services extended to those groups.

As the chair of the Committee on Oversight and Reform, I am committed to ensuring the effectiveness and efficiency of government operations for all Americans. Reporting on the impacts of H.R. 4176 will provide transparency into the data collection and help inform our policymaking efforts.

Madam Speaker, I urge my colleagues to support this amendment.

Mr. COMER. Madam Speaker, I reserve the balance of my time.

Ms. JACKSON LEE. Madam Speaker, may I inquire how much time remains on each side.

The SPEAKER pro tempore. The gentlewoman from Texas has 2 minutes remaining. The gentleman from Kentucky has 4 minutes remaining.

Ms. JACKSON LEE. Madam Speaker, let me offer what we are living in. There are more than 300 laws that have been passed across the Nation that are discriminating against the LGBTQI+ community. In addition, we find that less than half of these 50 States are protecting this community. That means that there is a half loaf for many in this community.

How do we remedy and educate States and local communities? We do so by ensuring that information is given. That is how you protect taxpayer dollars, that you are constructive in the use of dollars.

This is only to help with better implementation of social services that are already rendered, but such social services may not be geared toward addressing some of the populations here in the United States.

My amendment, which is what we always ask for, is making sure that we are accountable when we are addressing the concerns that have not been addressed in the LGBTQI+ community.

That is what I hope most people will see. But at the same time, I hope my amendment characterizes what Amer-

ica is: a compassionate, with passion, caring, and humanitarian Nation.

We go all over the world to fight for human rights, justice, and equality. Our soldiers put on the uniform to dignify our Constitution. Why not here in America?

Do my friends on the other side of the aisle realize how many men and women in the United States military come from the LGBTQI+ community? They didn't ask questions; they put on the uniform. I know they fought really hard not to have questions asked.

I ask my colleagues to support the Jackson Lee amendment for accountability and fairness and to recognize all of us are Americans.

Madam Speaker, I yield back the balance of my time.

□ 1545

Mr. COMER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 1191, the previous question is ordered on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. COMER. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

AMENDMENT NO. 2 OFFERED BY MRS. CAROLYN B. MALONEY OF NEW YORK

The SPEAKER pro tempore. It is now in order to consider amendment No. 2 printed in part B of House Report 117-381.

Mrs. CAROLYN B. MALONEY of New York. Madam Speaker, Representative SEAN PATRICK MALONEY has an amendment at the desk, and I am his designee.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, line 22, insert after "proxy" the following: "(including a proxy of a deceased individual, if applicable)".

The SPEAKER pro tempore. Pursuant to House Resolution 1191, the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. CAROLYN B. MALONEY of New York. Madam Speaker, I yield myself such time as I may consume.

Today, I rise in support of this amendment that clarifies the Federal surveys governed by this bill can and should collect data on deceased LGBTQ individuals when applicable.

As we know, due to mistreatment and being stigmatized, LGBTQ+ youth

are over four times more likely to attempt suicide than their peers.

In recent years, the number of violent fatal attacks against transgender people have hit record highs. But importantly, the actual number of fatal attacks is widely believed to be undercounted. Allowing a proxy of a deceased person to respond to a Federal survey can right this wrong.

Federal surveys often do not collect key demographic information on those they study, such as the gender identity or sexual orientation of a deceased person. As a result, we as policymakers do not have the full picture and cannot accurately identify disparities or create policy solutions that serve each person we represent.

For example, the Justice Department's National Crime Victimization Survey only asks questions about the victim's sexual orientation but not about their gender identity.

This potentially severe undercount of targeted violence against the transgender community has left us making policies with one hand tied behind our backs.

This amendment ensures that researchers and policymakers can understand the experiences of deceased LGBTQ individuals and make more informed decisions as we fight for equality and justice under the law.

Madam Speaker, I urge support of this amendment, and I reserve the balance of my time.

Mr. COMER. Madam Speaker, I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for 5 minutes.

Mr. COMER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this amendment stoops to the lowest level possible—in fact, 6 feet under.

It is bad enough that under H.R. 4176, House Democrats seek to subject living people, including children, to intrusive and inappropriate questions related to their private sexual orientation and gender identity. It is especially troublesome that House Democrats would allow proxies to answer such sensitive questions on behalf of others, as this bill allows. But shockingly, this amendment expands that authority to allow proxies to answer survey or Census questions about sexual orientation and gender identity on behalf of dead Americans.

If someone claims to be a "knowledgeable proxy," this amendment permits that individual to answer a Federal survey on behalf of a deceased person who can no longer answer for himself or herself.

With this amendment, someone who has guarded their personal privacy their entire life will have to worry that sensitive aspects of their personal life will be shared with the Federal Government after they die or worry that it could even be made up. How is collecting this information even useful at all?

It is hard to imagine making the underlying bill much worse, but this amendment succeeds with flying colors.

I urge my colleagues to reject this amendment and vote to protect Americans' ability to simply rest in peace.

Madam Speaker, I yield back the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Madam Speaker, I urge support of this amendment, and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 1191, the previous question is ordered on the amendment offered by the gentlewoman from New York (Mrs. CAROLYN B. MALONEY).

The question is on the amendment offered by the gentlewoman from New York (Mrs. CAROLYN B. MALONEY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. COMER. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

AMENDMENT NO. 3 OFFERED BY MRS. CAROLYN B. MALONEY OF NEW YORK

The SPEAKER pro tempore. It is now in order to consider amendment No. 3 printed in part B of House Report 117-381.

Mrs. CAROLYN B. MALONEY of New York. Madam Speaker, I rise as designee for Congresswoman RASHIDA TLAIB's amendment made in order by the rule.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 2, line 20, insert after "confidentiality" the following: "including protocols for anonymizing data collected and destroying personally-identifiable information at the appropriate time and not later than three years after the date on which the information is collected".

The SPEAKER pro tempore. Pursuant to House Resolution 1191, the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. CAROLYN B. MALONEY of New York. Madam Speaker, this straightforward amendment requires the agencies collecting information through this bill to create standards and protocols for anonymizing and destroying personally identifiable information at the appropriate time.

This amendment is a strong addition to the underlying bill, as it ensures that the necessary demographic information collected will be responsibly destroyed to fully protect an individual's privacy.

Complete and accurate data collection is essential to informing policies,

laws, and programs that address the needs of our communities.

Individuals who identify as LGBTQI+ have been underrepresented in Federal data collection efforts for generations. This critical information has been missing from this community in all areas of data collection and has led to worsened outcomes compared to individuals who are fully counted in Federal data collection.

I am proud to support this common-sense pro-privacy amendment, and I urge my colleagues to do the same.

Madam Speaker, I reserve the balance of my time.

Mr. COMER. Madam Speaker, I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for 5 minutes.

Mr. COMER. Madam Speaker, I rise in opposition to the amendment which ironically highlights the underlying bill's serious intrusion into Americans' privacy.

When the government collects very personal and sensitive information, as H.R. 4176 seeks to recklessly expand, Americans' data regrettably becomes the target of malicious actors.

Too often, we see this story play out in our government, the over-collection of Americans' private information being hacked or improperly disclosed.

From the leaking of Americans' tax records to the breach of Federal employees' entire background investigation files, the Federal government does not have a very good track record of securing private data. Yet, this amendment allows government agencies to place Americans' most private data at risk for up to 3 entire years.

Republicans will not stand for subjecting Americans' most private information to cyber hackers and other wrongdoers, information that should not even be collected in the first place.

Madam Speaker, I urge my colleagues to vote against this amendment, and I yield back the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Madam Speaker, I urge support of this amendment, and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 1191, the previous question is ordered on the amendment offered by the gentlewoman from New York (Mrs. CAROLYN B. MALONEY).

The question is on the amendment offered by the gentlewoman from New York (Mrs. CAROLYN B. MALONEY).

The amendment was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 4176 is postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 54 minutes p.m.), the House stood in recess.

□ 2000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MALINOWSKI) at 8 p.m.

LGBTQI+ DATA INCLUSION ACT

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of the bill (H.R. 4176) 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, will now resume.

The Clerk will report the title of the bill.

The Clerk read the title of the bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Proceedings will resume on questions previously postponed. Votes will be taken in the following order:

Amendment No. 1;

Amendment No. 2;

Motion to recommit, if offered; and

Passage of the bill, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Pursuant to clause 9 of rule XX, remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT NO. 1 OFFERED BY MS. JACKSON LEE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on amendment No. 1, printed in part B of House Report 117-381 on which further proceedings were postponed and on which the yeas and nays were ordered.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The SPEAKER pro tempore. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The vote was taken by electronic device, and there were—yeas 216, nays 200, not voting 13, as follows:

[Roll No. 293]

YEAS—216

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|-----------------|-------------|-----------------|
| Adams | Bush | Cohen |
| Aguilar | Bustos | Connolly |
| Allred | Butterfield | Cooper |
| Auchincloss | Carbajal | Correa |
| Axne | Cárdenas | Costa |
| Bass | Carson | Courtney |
| Beatty | Carter (LA) | Craig |
| Bera | Cartwright | Crist |
| Beyer | Case | Crow |
| Bishop (GA) | Casten | Cuellar |
| Blumenauer | Castor (FL) | Davids (KS) |
| Blunt Rochester | Castro (TX) | Davis, Danny K. |
| Bonamici | Cerfilus- | Dean |
| Bourdeaux | McCormick | DeFazio |
| Bowman | Chu | DeGette |
| Boyle, Brendan | Cicilline | DeLauro |
| F. | Clark (MA) | DeBene |
| Brown (MD) | Clarke (NY) | Demings |
| Brown (OH) | Cleaver | DeSaulnier |
| Brownley | Clyburn | Deutch |