

The Census Equality Act

Background:

The Decennial Census and the American Community Survey (ACS) are used to determine accurate representation in Congress and direct over \$800 billion in federal funding to communities across the country.¹ Stakeholders use census data to advocate for community needs and enforce civil rights protections.

Today, a record number of Americans identify as LGBTQ—approximately 10 million people, or 4.6% of the recorded population of the U.S.² Despite these staggering numbers, the U.S. Census Bureau has never posed a sexual orientation and gender identity (SOGI) question in either the Decennial Census or the ACS, ignoring requests from over 75 members of Congress and multiple federal agencies.³ LGBTQ communities face many challenges related to this undercounting—

- **Underrepresentation and Lack of Visibility.** Though millions of Americans identify as LGBTQ, only an estimated .1% of elected officials are LGBTQ.⁴ LGBTQ people live in every Congressional District in the country, and when they are left out of the census, they are left out of a vital part of the political process.
- **Lack of Resources.** Policy makers require national data about the LGBTQ community in order to provide adequate services. For example, in 2016, the HUD Secretary stated that “valid, reliable, and nationally representative data on SOGI are essential to HUD fulfilling its mission” and would help to combat discrimination and to implement its Equal Access to Housing rule.⁵
- **Discrimination.** The lack of adequate data about LGBTQ Americans makes it difficult to prove systemic discrimination in court, and does not provide lawmakers with the tools they need to enforce civil rights protections.⁶ Litigators and advocates seek to use census data to understand disparities faced by same-sex couples, fight for change, and support civil rights litigation.

Bill Summary

- This legislation requires the Secretary of Commerce to expand data collection efforts of the Bureau to include the collection of data concerning sexual orientation and gender identity as part of the Decennial Census and ACS.
 - The Bureau must research, identify, and begin implementing a plan to include SOGI questions no later than 1 year after the date of the enactment of this Act. This legislation outlines the following time line—
 - The decennial census must include SOGI questions no later than 2030.
 - The ACS must include SOGI questions no later than 2020.
- This legislation requires the Bureau to include information on sexual orientation and gender identity alongside any decennial census or ACS report that relies on gender data or household data conducted after the inclusion of SOGI questions.
- This legislation maintains robust confidentiality and privacy protections for SOGI information, as required by law of all census data.

¹ <https://gwipp.gwu.edu/counting-dollars-2020-role-decennial-census-geographic-distribution-federal-funds>

² <http://news.gallup.com/poll/201731/lgbt-identification-rises.aspx>

³ <https://www.npr.org/2017/06/20/533542014/collecting-lgbt-census-data-is-essential-to-federal-agency-document-shows>

⁴ <https://www.thedailybeast.com/america-needs-another-21307-lgbt-elected-officials-to-achieve-true-equality>

⁵ <https://www.npr.org/2017/06/20/533542014/collecting-lgbt-census-data-is-essential-to-federal-agency-document-shows>

⁶ <https://www.them.us/story/census-will-not-count-lgbtq-americans>

Support

- National LGBTQ Task Force Action Fund
- Leadership Conference on Civil and Human Rights
- NALEO Educational Fund
- Asian Americans Advancing Justice | AAJC
- Human Rights Campaign
- Indivisible
- National Black Justice Coalition
- People for the American Way
- National Center for Lesbian Rights
- American Civil Liberties Union (ACLU)
- Sage
- UnidosUS
- Bend the Arc Jewish Action
- Equality California
- Jacobs Institute of Women's Health
- Movement Advancement Project
- In Our Own Voice: National Black Women's Reproductive Justice Agenda
- Family Equality Council
- All-Options
- Los Angeles LGBT Center
- American Psychological Association
- The Trevor Project
- Witness to Mass Incarceration
- CenterLink: The Community of LGBT Centers
- Whitman-Walker Health
- Center for HIV Law & Policy
- A Better Balance
- Union of Concerned Scientists
- Equality North Carolina
- FORGE, Inc.
- Bisexual Organizing Project – BOP
- National Asia Pacific American Women's Forum (NAPAWF)
- Center for American Progress