

Congress of the United States
Washington, DC 20515

March 31, 2022

Lawrence A. Tabak
Acting Director
National Institutes of Health
9000 Rockville Pike
Bethesda, MD 20892

The Honorable Robert L. Santos
Director
U.S. Census Bureau
4600 Silver Hill Road
Washington, D.C. 20233

The Honorable Xavier Becerra
Secretary
Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Director Tabak, Director Santos, and Secretary Becerra:

We write to encourage your agencies to implement the findings of the recent report from the National Academies on Sciences, Engineering, and Medicine (NASEM) on measuring sex, gender identity, sexual orientation, and variations in sex characteristics. We commend the steps your agencies have taken to collect critical information on the LGBTQI+ community that for too long has been neglected. We urge your agencies to fully implement NASEM's recommendations for gathering accurate information on the LGBTQI+ community in the three domains of general population surveys, administrative systems, and clinical and health settings.

As lawmakers, we require reliable information to help us understand the issues faced by the growing LGBTQI+ community. Last year, the percentage of Americans who identify as LGBTQ+ reached 7.1%, including more than 20% of those born after 1996.¹ As the LGBTQI+ population increases, we must work to address unique challenges faced by the community. Research shows that discrimination against the LGBTQI+ community contributes to disparities in health outcomes, housing, and employment.² More than one in three LGBTQ+ adults reported facing discrimination in the past year, with rates significantly higher for people of color.³ Congress has the authority to address these issues through legislation and public investments in

¹ "LGBT Identification in U.S. Ticks Up to 7.1%," *Gallup* (Feb. 17, 2022) (online at <https://news.gallup.com/poll/389792/lgbt-identification-ticks-up.aspx>).

² National Academies of Sciences, Engineering, and Medicine, *Understanding the Wellbeing of LGBTQI+ Populations* (Jun. 29, 2020) (online at <https://www.nap.edu/read/25877/chapter/1>).

³ Center for American Progress, *The 2022 Legislative Landscape for LGBTQI+ Rights* (Feb. 1, 2022) (online at <https://www.americanprogress.org/article/the-2022-legislative-landscape-for-lgbtqi-rights/>).

necessary programs. But we cannot work to correct these issues without the accurate and reliable data needed to fully understand them.

Federally administered data collection tools fail to capture all individuals with LGBTQI+ identities and experiences. Only a limited number of federal surveys collect data on sexual orientation and gender identity, and none ask questions that can identify intersex populations.⁴ While the Census Bureau has incorporated questions in the decennial Census and the American Community Survey to collect information on same-sex couples who share a home, the utility of this information is limited. Only 16% of LGBTQ+ adults live with a spouse or domestic partner of the same gender,⁵ meaning that these questions fail to capture sexual orientation data for five of every six LGBTQ+ adults.

The NASEM report's recommendations include collecting data on sexual orientation, gender identity, and intersex status on critical surveys such as the American Community Survey and the Current Population Survey, as well as on administrative forms and in health settings. Implementing these recommendations would equip Congress with more accurate and reliable data to make informed policy decisions. By expanding response options for sexual orientation, disentangling sex from gender through two-step question designs, and encouraging data collection on intersex populations, the recommendations in the NASEM report provide nuanced, sensitive data collection tools that will better inform our legislative efforts.⁶ We urge your agencies to devote resources to continue testing and updating the NASEM report's recommended measures, which will be critical to ensuring that they keep pace with our evolving understanding of identities and experiences within LGBTQI+ communities.

Your Administration has made significant strides towards collecting accurate and reliable data on LGBTQI+ communities, including by adding questions on sexual orientation and gender identity to the Census Bureau's Household Pulse Survey, but more must be done.⁷ With LGBTQI+ individuals facing uneven protections throughout the country, geographic-specific information, particularly from surveys such as the American Community Survey, will help policymakers, advocates, and the public better understand how experiences vary across states. We urge you to continue your work to expand data collection on LGBTQI+ populations. We stand ready to work toward providing your Administration any additional resources it needs to implement the NASEM report recommendations and look forward to continuing our oversight on this issue.

⁴ National Academies of Sciences, Engineering, and Medicine, *Understanding the Wellbeing of LGBTQI+ Populations* (Jun. 29, 2020) (online at <https://www.nap.edu/read/25877/chapter/9> at Table 4).

⁵ "LGBT Americans Married to Same-Sex Spouse Steady at 10%," *Gallup* (Feb. 10, 2022) (online at <https://news.gallup.com/poll/389555/lgbt-americans-married-same-sex-spouse-steady.aspx.%20A>).

⁶ National Academies of Sciences, Engineering, and Medicine, *Measuring Sex, Gender Identity, and Sexual Orientation* (Mar. 9, 2022) (online at <https://www.nap.edu/download/26424>).

⁷ Census Bureau, *New Household Pulse Survey Data Reveals Differences between LGBT and Non-LGBT Respondents During COVID-19 Pandemic* (Nov. 4, 2021) (online at <https://www.census.gov/library/stories/2021/11/census-bureau-survey-explores-sexual-orientation-and-gender-identity.html>).

Sincerely,



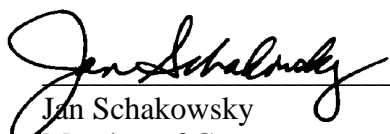
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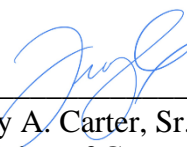
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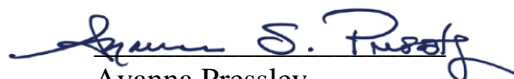
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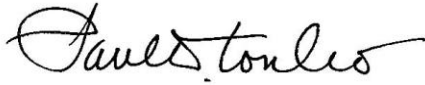
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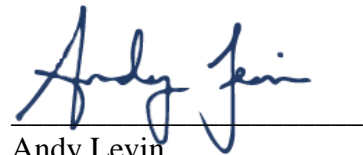
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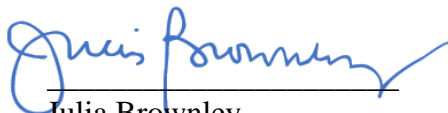
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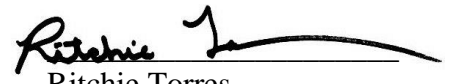
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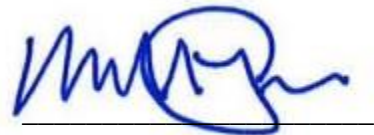
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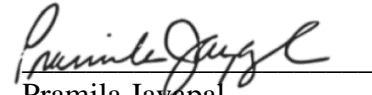


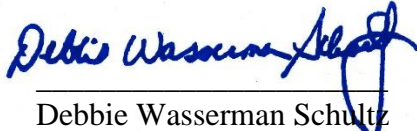
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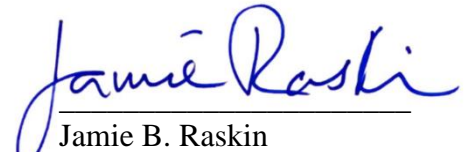



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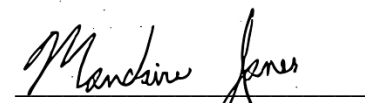

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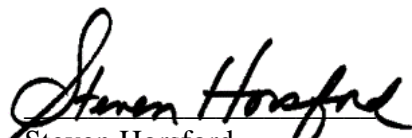

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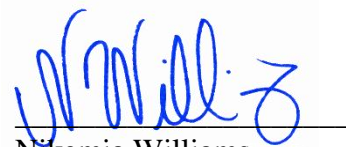

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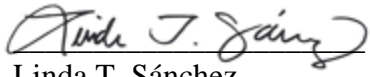

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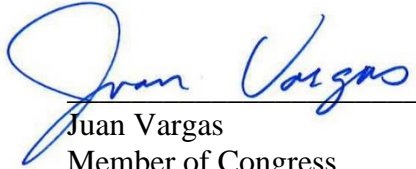

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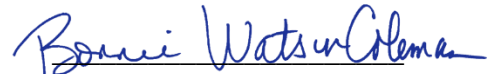
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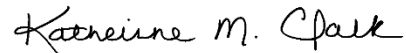
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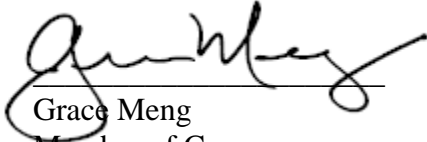
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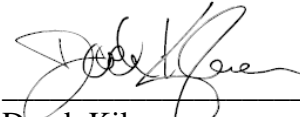
Grace Meng
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Suzanne K. DelBene
Member of Congress



Mike Quigley
Member of Congress



Derek Kilmer
Member of Congress

cc: The Honorable Merrick Garland, Attorney General, Department of Justice

The Honorable Marcia Fudge, Secretary, Department of Housing and Urban
Development

The Honorable Michael S. Regan, Administrator, Environmental Protection Agency