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# United States Senate

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS  
WASHINGTON, DC 20510-6250

CHRISTOPHER R. HIXON, STAFF DIRECTOR  
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May 22, 2017

The Honorable John H. Thompson  
Director  
United States Census Bureau  
4600 Silver Hill Road  
Washington, DC 20233

Dear Director Thompson:

On March 28, 2017 the U.S. Census Bureau submitted "*Subjects Planned for the 2020 Census and American Community Survey*" to Congress. In the press release announcing the submission, the Census Bureau indicated that no new subject would be added to the 2020 Census or to the American Community Survey (ACS).<sup>1</sup> The copy of the "*Subjects Planned for the 2020 Census and American Community Survey*" submitted to Congress, however, did include a new subject in the appendix of the report: sexual orientation and gender identity (SOGI).<sup>2</sup> The Census Bureau subsequently corrected this error by sending out a new copy of the report that does not include SOGI and clarified that this error arose because the Census Bureau had earlier considered adding SOGI as a subject to the 2020 Census and ACS.<sup>3</sup>

In briefings with Senate staff<sup>4</sup> after the release of the subjects, Census Bureau staff confirmed that the interagency process utilized by the Census Bureau and the Office of Management and Budget had considered adding SOGI as a subject to the 2020 Census and ACS, due to requests submitted by several federal agencies.

Enclosed are letters that detail the process by which SOGI was considered as a potential new subject to the Decennial Census and ACS. According to these letters, the Census Bureau

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<sup>1</sup> U.S. Department of Commerce, Economics and Statistics Administration, U.S. Census Bureau, *Subjects Planned for the 2020 Census and American Community Survey: Federal Legislation and Program Uses* (March 2017).

<sup>2</sup> U.S. Census Bureau, *Census Bureau Submits Subjects for 2020 Census to Congress* (Mar. 28, 2017).

<sup>3</sup> Email from U.S. Census Bureau to Minority Staff, Senate Committee on Homeland Security and Governmental Affairs Minority Staff (Mar. 28, 2017).

<sup>4</sup> Briefing by the U.S. Census Bureau to U.S. Senate Staff (Mar. 31, 2017 and Apr. 10, 2017).

received requests in 2016 from the Department of Justice (DOJ), the Department of Housing and Development (HUD), the Department of Health and Human Services (HHS), and the Environmental Protection Agency (EPA) to include SOGI on the 2020 Census and ACS. In particular, DOJ's November 4, 2016 request to the Census Bureau to include SOGI outlined the legal authority that supports the necessity for DOJ to collect this information. Based on these requests, the Census Bureau began its evaluation of whether SOGI should be added as a new topic.<sup>5</sup>

On March 7, 2017, however, DOJ sent a letter to the U.S. Department of Commerce rescinding its request to include SOGI. Specifically, DOJ stated that "it was unable to reaffirm its request of November 4, 2016."<sup>6</sup> As a result, the Census Bureau halted its evaluation of whether SOGI should be included in the 2020 Census and ACS, despite DOJ's previously clearly articulated need in November. These communications raise concerns about the role of the DOJ and its influence on government data collection.

As you have stated in the past, complete Census data is critical "to meet a wide range of federal needs—from providing apportionment and redistricting data as part of our representative democracy, to helping distribute more than \$400 billion in federal funds annually."<sup>7</sup> This is why it is critical that the Census Bureau's process to include subjects to fairly and accurately count all Americans is impartial and free from undue interference. Therefore, in order to better understand all of the factors involved in this matter, I request that you provide the following information, as well as any supporting documentation:

1. All communications within the Census Bureau or between the Census Bureau and the following agencies that relate to the addition of SOGI as a new subject to the 2020 Census and ACS, including, but not limited to, emails, memoranda, and meeting minutes:
  - a. The Department of Justice
  - b. The Department of Commerce
  - c. The Office of Management and Budget
  - d. The Department of Health and Human Services
  - e. The Environmental Protection Agency
  - f. The Department of Housing and Urban Development

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<sup>5</sup> Letter from Arthur E. Gary, General Counsel, Justice Management Division, U.S. Department of Justice, to Director John H. Thompson, U.S. Census Bureau (Nov. 4, 2016).

<sup>6</sup> Letter from Arthur E. Gary, General Counsel, Justice Management Division, U.S. Department of Justice, to Barry K. Robinson, Chief Counsel of Economic Affairs, U.S. Department of Commerce (Mar. 7, 2017).

<sup>7</sup> John H. Thompson, *Planned Subjects for the 2020 Census and the American Community Survey* (Mar. 29, 2017)

([https://www.census.gov/newsroom/blogs/director/2017/03/planned\\_subjects\\_2020.html](https://www.census.gov/newsroom/blogs/director/2017/03/planned_subjects_2020.html)).

2. An explanation of the process by which the Census Bureau accepts and reviews requests from federal agencies to include subject(s) in the Decennial Census and the ACS.
3. An explanation of the Census Bureau's process by which it accepts and reviews requests from Congress to include subject(s) on the Decennial Census and the ACS.
4. An explanation of the Census Bureau's threshold for subject inclusion in the Decennial Census and the ACS.

We request that you provide this information no later than June 19, 2017 and look forward to your prompt response to this inquiry.

Sincerely,



Tom Carper  
Ranking Member  
Permanent Subcommittee on Investigations



Kamala D. Harris  
U.S. Senator

cc: The Honorable Rob Portman  
Chairman  
Permanent Subcommittee on Investigations

The Honorable Jeff Sessions  
Attorney General  
U.S. Department of Justice

The Honorable Ben Carson  
Secretary  
U.S. Department of Housing and Urban Development

The Honorable Thomas E. Price  
Secretary  
U.S. Department of Health and Human Services

The Honorable Scott Pruitt  
Administrator  
U.S. Environmental Protection Agency

Enclosures



U. S. Department of Justice

Justice Management Division

*Office of General Counsel*

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Washington, D.C. 20530

JUL 0 1 2016

Mr. John H. Thompson, Director  
Economics and Statistics Administration  
U.S. Census Bureau  
United States Department of Commerce  
Washington, D.C. 20233-0001

Re: Legal Authority for American Community Survey Questions

Dear Mr. Thompson:

I am responding to your letter of April 29, 2014, to Deputy Attorney General Yates, requesting any updates or proposals for new uses of existing content or needs for new content in the American Community Survey (ACS). As you noted in your letter, in response to the 2014 ACS Content Review, the Department of Justice (DOJ or Department) affirmed its continuing needs and legal justification for existing subjects and questions in the ACS.

I have consulted the Civil Rights Division and the Office of Justice Programs and confirm to you that there are no needs to alter or amend the current content and uses, nor any needs at this time for new content.

Please let me know if you have any questions about this letter. [REDACTED]

Sincerely yours,

Arthur E. Gary  
General Counsel

cc: Civil Rights Division  
Office of Justice Programs



**U.S. Department of Justice**

Justice Management Division

*Office of General Counsel*

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*Washington, D.C. 20530*

November 4, 2016

John H. Thompson  
Director  
Economics and Statistics Administration  
U.S. Census Bureau  
United States Department of Commerce  
Washington, D.C. 20233-0001

Re: Legal Authority for American Community Survey Questions

Dear Mr. Thompson:

This letter supplements my letter of July 1, 2016, in which I advised that, at that time, the Department of Justice had no needs to amend the current content and uses or to request new content in the American Community Survey (ACS) for the 2020 Census. In 2014, the Department affirmed its continuing needs and legal justification for existing subjects and questions in the ACS. I understand your office recently has been in communication with Department officials regarding new uses sought by the Department relating to LGBT populations. Consistent with those communications, this letter formally requests that the Census Bureau consider a new topic in the ACS relating to LGBT populations. The attached spreadsheet accurately reflects the legal authority supporting the necessity for the collection of this information.

Please let me know if you have any questions about this letter or wish to discuss this request. ■

Sincerely yours,

  
Arthur E. Gary  
General Counsel

Attachment

Cc: Civil Rights Division  
Office of the Deputy Attorney General

**DEPARTMENT OF JUSTICE, CIVIL RIGHTS DIVISION  
REQUIREMENTS FOR AMERICAN COMMUNITY SURVEY DATA**

The following statutes enforced by the Department bar discrimination on the basis of sexual orientation, gender identity, or both.					
Statutory Requirement		Classification	Uses	Lowest geography	Frequency
Title	Citations				
Violence Against Women Reauthorization Act of 2013	42 USC 13925(b)(13)	R	Would be used to enforce prohibitions against discrimination in programs or activities receiving financial assistance administered by the Office on Violence Against Women.	Place	Annual
Violence Against Women Act of 1994, as amended, Victims of Trafficking and Violence Protection Act of 2000, Violence Against Women and Department of Justice Reauthorization Act of 2005, Violence Against Women Reauthorization Act of 2013	42 USC 3796gg(b)(5), 3796gg(b)(19), 3796gg-7(d), 10420(c)(1)(B), 13925(a)(39), 13971(b), 13971(d)(4), 13975(a), 13975(g)(3)(C)(ii), 14041(b)(1), 14041(b)(4), 14045(a)(1), 14045(c)-(d), 14045b(b)(10).	P	Would be used to help administer grants, and plan education about and enforcement of prohibitions against discrimination in programs or activities receiving financial assistance administered by OVW.	Census block group	Annual
Title VII of the Civil Rights Act of 1964	42 USC 2000e et seq.; 42 USC 2000e-2(k); <i>Wards Cove Packing Co. v. Atonio</i> , 490 U.S. 642 (1989)	R	Would be used to enforce the prohibition against unlawful employment discrimination.	Place	Annual
Title VII of the Civil Rights Act of 1964	42 USC 2000e et seq.	P	Would be used to help plan education and enforcement efforts concerning the prohibition against unlawful employment discrimination.	Census block group	Annual
Title IX of the Education Amendments of 1972	20 USC 1701 et seq.; 34 CFR 106.21(b)(2), 106.23(b), 106.37(b)(1), 106.51(a)(3)-(4), 106.52, 106.53	R	Would be used to enforce the prohibition against unlawful discrimination in education programs and activities receiving federal financial assistance.	Place	Annual

**DEPARTMENT OF JUSTICE, CIVIL RIGHTS DIVISION  
REQUIREMENTS FOR AMERICAN COMMUNITY SURVEY DATA**

Statutory Requirement		Classification	Uses	Lowest geography	Frequency
Title	Citations				
Title IX of the Education Amendments of 1972	20 USC 1701 et seq.	P	Would be used to help plan education and enforcement efforts concerning the prohibition against unlawful discrimination in education programs and activities receiving federal financial assistance.	Census block group	Annual
Fair Housing Act of 1968	42 USC 3601 et seq. ; 24 CFR 100.500; Texas Dept. of Housing and Community Affairs v. Inclusive Communities Project, Inc., 135 S. Ct. 2507 (2015).	R	Would be used to enforce the prohibition against unlawful discrimination in housing.	Place	Annual
Fair Housing Act of 1968	42 USC 3601 et seq. ; 24 CFR 100.500.	P	Would be used to help plan education, testing and enforcement efforts to eliminate unlawful discrimination in housing.	Census block group	Annual
Equal Credit Opportunity Act	15 USC 1691 et seq. ; 12 CFR 202.6 n.2	R	Would be used to enforce the prohibition against unlawful discrimination in lending.	Place	Annual
Equal Credit Opportunity Act	15 USC 1691 et seq.	P	Would be used to help plan education and enforcement efforts to eliminate unlawful discrimination in lending.	Census block group	Annual
Omnibus Crime Control and Safe Streets Act of 1968	42 USC 3789d(c); 28 CFR 42.203(c), (e)	R	Would be used to enforce the prohibition against unlawful discrimination in criminal justice programs receiving federal financial assistance.	Place	Annual

**DEPARTMENT OF JUSTICE, CIVIL RIGHTS DIVISION  
REQUIREMENTS FOR AMERICAN COMMUNITY SURVEY DATA**

Statutory Requirement		Classification	Uses	Lowest geography	Frequency
Title	Citations				
Omnibus Crime Control and Safe Streets Act of 1968	42 USC 3789d(c)	P	Would be used to help plan education and enforcement efforts to eliminate unlawful discrimination in criminal justice programs receiving federal financial assistance.	Census block group	Annual
Juvenile Justice and Delinquency Prevention Act of 1974	42 USC 5672(b)	R	Would be used to enforce the prohibition against unlawful discrimination in juvenile justice programs receiving federal financial assistance.	Place	Annual
Juvenile Justice and Delinquency Prevention Act of 1974	42 USC 5672(b)	P	Would be used to help plan education and enforcement efforts to eliminate unlawful discrimination in juvenile justice programs receiving federal financial assistance.	Census block group	Annual
Civil Rights of Institutionalized Persons Act	42 USC 1997 et seq.	R	Would be used to enforce the prohibition against egregious or flagrant violations of law for persons residing in or confined to covered institutions.	Census block group	Annual
Civil Rights of Institutionalized Persons Act	42 USC 1997 et seq.	P	Would be used to help plan education and enforcement efforts to eliminate egregious or flagrant violations of law for persons residing in or confined to covered institutions.	Census block group	Annual



**DEPARTMENT OF JUSTICE, CIVIL RIGHTS DIVISION  
REQUIREMENTS FOR AMERICAN COMMUNITY SURVEY DATA**

Statutory Requirement		Classification	Uses	Lowest geography	Frequency
Title	Citations				
Violent Crime Control and Law Enforcement Act of 1994	42 USC 14141	R	Would be used to enforce the prohibition against patterns or practices of unlawful conduct by law enforcement or by officials in the juvenile justice system.	Place	Annual
Violent Crime Control and Law Enforcement Act of 1994	42 USC 14141	P	Would be used to help plan education and enforcement efforts to eliminate patterns or practices of unlawful conduct by law enforcement or by officials in the juvenile justice system.	Census block group	Annual
Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009	18 USC 249	P	Would be used to help plan education and enforcement efforts to prosecute and deter covered hate crimes against LGBT individuals.	Census block group	Annual
Victims of Crime Act of 1984	42 USC 10604(e)	P	Would be used to help plan education and enforcement efforts to eliminate unlawful discrimination in crime victim compensation programs receiving federal financial assistance.	Census block group	Annual



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Office of the General Counsel**  
OFFICE OF THE CHIEF COUNSEL FOR ECONOMIC AFFAIRS  
Washington, D.C. 20230

March 1, 2017

Mr. Arthur E. Gary  
General Counsel  
Justice Management Division  
2Con 145 N. Street, NE 8E.500  
Washington, DC 20530

Re: Legal Authority for American Community Survey Questions

Dear Mr. Gary:

This letter responds to your November 4, 2016 letter to John H. Thompson, Director of the United States Census Bureau ("Census"). The November 4, 2016 letter requests that Census consider new content on the American Community Survey related to LGBT populations. The letter included a spreadsheet listing civil rights statutes and case law in support of the collection of information the Department of Justice deemed necessary to meet its continuing needs and priorities at that time.

It has come to my attention that Department of Justice officials have recently contacted Census regarding the appropriateness of certain Sexual Orientation and Gender Identity ("SOGI") topics on the upcoming American Community Survey. As you know, it is the prerogative of the Department of Justice to determine which topics it wishes to propose for inclusion in the Survey. In order to meet certain statutory reporting deadlines, my client, Census, seeks to determine whether the Department of Justice continues to view the placement of new content related to LGBT populations in the American Community Survey as necessary to meet the Department of Justice's continuing needs and priorities. Please let me know whether the Department of Justice wishes to continue, modify, or withdraw the request made in your November 4, 2016 letter.

Please let me know if you have any questions about this letter or otherwise wish to discuss this matter.

Sincerely,

Barry K. Robinson  
Chief Counsel of Economic Affairs

Cc: John H. Thompson



U.S. Department of Justice

Justice Management Division

*Office of General Counsel*

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Washington, D.C. 20530

March 7, 2017

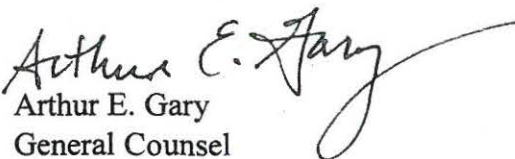
Barry K. Robinson  
Chief Counsel of Economic Affairs  
U.S. Department of Commerce  
Office of the General Counsel  
Washington, DC 20230

RE: Legal Authority for American Community Survey Questions

Dear Mr. Robinson:

This letter is in response to your letter of March 1, 2017, concerning proposed new content on the American Community Survey (ACS) for the 2020 Census. The Department of Justice(Department) officially advised you on July 1, 2016, that, consistent with recent practice, it had no need to amend the current content or to request new content in the ACS. A subsequent Department letter of November 4, 2016, suggested new topics for the ACS. Your March 1, 2017, letter asks if the Department still wishes to maintain that request, and you have further indicated that a response is needed immediately. Because such a request requires thorough analysis and careful consideration, the Department is unable to reaffirm its request of November 4, 2016. Accordingly, the Department stands by its earlier position articulated in the July 1, 2016 letter.

Sincerely,

  
Arthur E. Gary  
General Counsel

**Content requested:** Sexual identity and gender identity

**Agency:** *Office of Minority Health  
Center for Medicaid and CHIP Services  
Federal Coordinated Health Care Office*

Centers for Medicare & Medicaid Services (CMS)  
U.S. Department of Health and Human Services (HHS)

**Use description:** Data at the census block or individual level would help the above offices understand and improve care for the subpopulations of Medicare, Medicaid, and dual Medicare-Medicaid (federally-insured) enrollees who are lesbian, gay, bisexual, or transgender (LGBT). Collection of these data through Census programs would be beneficial to future data collection efforts by CMS. Given that the Census Bureau is a leader in developing innovative data collection methods, this activity would ostensibly lead to similar data collections by other federal agencies. This activity would enable CMS and other federal agencies to link critical demographic data and address important questions related to health equity.

The availability of nationally representative and quality data will be essential to improve the unique health and social challenges of federally insured LGBT populations. Despite LGBT people having a greater risk of being low income and having a disability, there are limited federal data sources available that demonstrate the existence of health disparities by sexual identity and gender identity.

The Affordable Care Act invests in the implementation of a new health data collection and analysis strategy for multiple demographic groups.

Section 1557 of the Affordable Care Act indicates that individuals *“shall not ... be excluded from the participation in, be denied benefits of, or be subjected to discrimination under, any health program or activity, any part of which is receiving Federal financial assistance”* based on race, color, national origin, sex,<sup>1</sup> or disability

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<sup>1</sup> Recent [clarification](#) by the Departments of Education and Department of Justice have determined that Title IX of the Education Amendments of 1972 prohibition on sex discrimination encompasses discrimination based on gender identity. Recent [EEOC decisions](#) have held that discrimination against an individual because of that person’s sexual orientation is discrimination because of sex and therefore prohibited under Title VII of the Civil Rights Act of 1964.

status. To date, the lack of information on sexual and gender identity prevents the study of whether sexual and gender minorities are experiencing discrimination in the receipt of CMS services.

Section 2602 of the Affordable Care Act established the CMS Federal Coordinated Health Care Office (FCHCO). One of the statutory goals of FCHCO is to *“improve the quality of health care and long-term services for dual eligible individuals.”* Without information on sexual and gender identity, FCHCO will be disadvantaged in fulfilling this goal for federally insured LGBT individuals.

Section 4302 of the Affordable Care Act contains provisions to strengthen federal data collection efforts by requiring that all national federal data collection efforts collect information on race, ethnicity, sex, primary language, and disability status. Recent administrative actions have expanded sex to include gender identity. The law also provides the Department of Health and Human Services (HHS) the opportunity to collect additional demographic data to further improve our understanding of healthcare disparities. In the past, identifying disparities and effectively monitoring efforts to reduce them has been limited by a lack of specificity, uniformity, and quality in data collection and reporting procedures. Consistent methods for collecting and reporting health data will improve our understanding of the nature and extent of health disparities experienced by members of LGBT community.

- Legal citation:**
- Section 1557 of the Affordable Care Act (Pub. L. 111-148; 42 U.S. Code § 18116)
  - Section 2602 of the Affordable Care Act (Pub. L. 111-148; 42 U.S. Code § 1315b(c)(3))
  - Section 4302 of the Affordable Care Act (Pub. L. 111-148; 42 U.S. Code § 300kk (2)(e))

**Lowest level of geography needed:** Census block [Individual-level data preferred]

**Frequency:** Annually

**Content requested:** Tribal enrollment

**Agency:** *Office of Minority Health  
Center for Medicaid and CHIP Services  
Federal Coordinated Health Care Office*

Centers for Medicare & Medicaid Services (CMS)  
U.S. Department of Health and Human Services (HHS)

**Use description:** Data at the Census block or individual level would help the above offices understand and improve care for Medicare, Medicaid, and dual Medicare-Medicaid (federally-insured) enrollees who are American Indian and Alaskan Native and affiliated with specific tribes. Collection of these data through Census programs would be beneficial to future data collection efforts by CMS. Given that the Census Bureau is a leader in developing innovative data collection methods, this activity would ostensibly lead to similar data collections by other federal agencies. Data from these agencies can then be linked to CMS data to address important questions related to health equity.

More than 1 million American Indians and Alaska Natives are enrolled in coverage through Medicaid and Children's Health Insurance Program (CHIP) and many more are eligible for coverage as a result of Medicaid expansion through the Affordable Care Act. Medicaid and CHIP can serve as a critical source of care for this community. The Indian Health Care Improvement Act amended the Social Security Act (SSA) to permit reimbursement by Medicare and Medicaid for services provided to American Indians and Alaska Natives through the Indian Health Service (IHS) and at tribal health care facilities. With this amendment, Congress recognized that many American Indian and Alaskan Natives, especially those residing in very remote and rural locations, were eligible for but could not access Medicaid and Medicare services without traveling long distances to Medicaid and Medicare providers. The Indian Health Care Improvement Act also provided states with a 100% Federal Medical Assistance Percentage (FMAP) for Medicaid services provided through an IHS or Tribal facility. The amendments to the SSA created a direct relationship between CMS and the IHS delivery system. These protections were further augmented by Section 5006 of the American Recovery and Reinvestment Act (ARRA) in 2009.

Considerable evidence has demonstrated that American Indians and Alaskan Natives experience persistently higher rates of disease and poorer health outcomes compared to non-Hispanic whites, however little is known about whether these health disparities differ by tribal enrollment.

The Affordable Care Act invests in the implementation of a new health data collection and analysis strategy.

Section 1557 of the Affordable Care Act dictates that individuals *“shall not ... be excluded from the participation in, be denied benefits of, or be subjected to discrimination under, any health program or activity, any part of which is receiving Federal financial assistance”* based on race, color, national origin, sex, or disability status. To date, the lack of information on tribal enrollment prevents the study of whether members of certain tribes experience discrimination in the receipt of CMS services.

Section 2602 establishes the CMS Federal Coordinated Health Care Office (FCHCO). One of the statutory goals of FCHCO is to *“improve the quality of health care and long-term services for dual eligible individuals.”* Without information on tribal enrollment, FCHCO will be disadvantaged in fulfilling this goal for members of certain tribes.

Section 4302 of the Affordable Care Act contains provisions to strengthen federal data collection efforts by requiring that all national Federal data collection efforts collect information on race, ethnicity, sex, primary language, and disability status. The law also provides the Department of Health and Human Services (HHS) the opportunity to collect additional demographic data to further improve our understanding of healthcare disparities. In the past, identifying disparities and effectively monitoring efforts to reduce them has been limited by a lack of specificity, uniformity, and quality in data collection and reporting procedures. Consistent methods for collecting and reporting health data will help us better understand the nature and extent of health disparities experienced by members of individual tribes.

**Legal citation:**

- Indian Health Care Improvement Act (25 U.S. Code Chapter 18)
- American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5; 42 U.S. Code § 1396o)

- Section 1557 of the Affordable Care Act (Pub. L. 111-148; 42 U.S. Code § 18116)
- Section 5006 American Recovery and Reinvestment Act (ARRA)
- Section 2602 of the Affordable Care Act (Pub. L. 111-148; 42 U.S. Code § 1315b(c)(3))
- Section 4302 of the Affordable Care Act (Pub. L. 111-148; 42 U.S. Code § 300kk (2)(e))

**Lowest level of geography needed:** Census block [Individual-level data preferred]

**Frequency:** Annually



**Content requested:** Sexual Orientation and Gender Identity

**Agency:** Environmental Protection Agency

**Use description:** Title VII of the Civil Rights Act prohibits discrimination based on “sex” and the EEOC interprets Title VII protections against sex discrimination to include gender identity; gender stereotyping; and sexual orientation. Used to monitor federal executive branch agencies' affirmative employment programs and identify barriers to employment opportunity in the federal sector.

**Legal citation:** Title VII of the Civil Rights Act of 1964 (Title VII); 42 U.S.C. § 2000e-16

**Lowest level of geography needed:** Place

**Frequency:** Every 5 years

**Other data sources:** N/A

**Content requested:** LGBT inclusive sexuality/gender categorization (sexual orientation categories of straight, lesbian, gay, bisexual, transgender [male to female, female to male, gender nonconforming])

**Agency:** U.S. Department of Health and Human Services (HHS), Indian Health Service, OPHS Division of Program Statistics

**Use description:** Used for determination of service delivery/access to care, disparity; provision of health services to all categories of individuals

**Legal citation:** Affordable Care Act of 2010. Section 1557. Indian Health Care Improvement Act US Title 25 Chapter 18 Subchapter 1 Section 1621b, 1621q, and 1621v and Subchapter 3 Section 1647a.

**Lowest level of geography needed:** County OR [ideally] Tribal Census Tract\Oklahoma Tribal Statistical Areas/Alaska Native Regional Corporations /Alaska Native Village Statistical Areas/Hawaiian Home Lands\American Indian Reservations (state)\State Designated Tribal Statistical Areas

**Frequency:** Annually

**Other data sources:** ACS