



May 28, 2021

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives

The Honorable Charles Schumer
Majority Leader
U.S. Senate

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives

The Honorable Mitch McConnell
Minority Leader
U.S. Senate

Dear Speaker Pelosi, Majority Leader Schumer, Minority Leader McCarthy, and Minority Leader McConnell:

For over a year, the COVID-19 pandemic has exposed and exacerbated stark prior disparities that disproportionately affect the health, economic security, and well-being of LGBTQ people, especially LGBTQ people of color. LGBTQ people already faced significantly higher rates of poverty than the general population,¹ but the COVID-19 pandemic also resulted in higher rates of severe health risks² and job loss³ in the LGBTQ community. To build back better after the pandemic, the federal government must double down on creating quality employment opportunities and investing in the future of the LGBTQ workforce and their families.

The American Rescue Plan Act (ARPA) delivered essential relief to address the immediate impacts of the COVID-19 pandemic, especially by investing in vaccination efforts, providing stimulus payments and enhanced unemployment, and strengthening federal supports such as temporarily boosting SNAP benefits and increasing housing assistance. Immediate relief is the first step, but comprehensive solutions are needed to resolve the preexisting disparities that have left LGBTQ people at higher risk of illness and joblessness as the nation shifts through intersecting crises of public health, housing, economic uncertainty, and racial injustice.

The National LGBTQ Anti-Poverty Action Network (“The Network”) is a member-based coalition of over 100 national, state, and local organizations working in the LGBTQ, anti-poverty, and anti-hunger movements to increase awareness about and action on LGBTQ poverty. We collectively urge swift legislative action to address both the ongoing need of LGBTQ families and the root causes of LGBTQ poverty. The American Jobs Plan and American Families Plan would provide a strong foundation for a comprehensive legislative package. We urge Congress to swiftly enact any legislation that includes the following priorities:

¹ Badgett MVL, Choi SK, Wilson BDM. LGBTQ Poverty in the United States: A study of differences between sexual orientation and gender identity groups, Williams Institute (2019) <https://williamsinstitute.law.ucla.edu/wp-content/uploads/National-LGBT-Poverty-Oct-2019.pdf>.

² Heslin KC, Hall JE (2021) Sexual Orientation Disparities in Risk Factors for Adverse COVID-19-Related Outcomes, by Race/Ethnicity – Behavioral Risk Factors Surveillance System, United States, 2017-2019. MMWR Morb Mortal Wkly Rep 70:149-154. <http://dx.doi.org/10.15585/mmwr.mm7005a1>.

³ Dason L, Kirzinger A, Kates J (2021) The Impact of the COVID-19 Pandemic on LGBT People. Kaiser Family Foundation. <https://www.kff.org/coronavirus-covid-19/poll-finding/the-impact-of-the-covid-19-pandemic-on-lgbt-people/>.

- **Advance LGBTQ-inclusive nondiscrimination protections.** Since March 2020, Congress has authorized a wide range of services, benefits, and provisions that provide relief for individuals and families affected by the COVID-19 pandemic. Although the U.S. Supreme Court ruling in *Bostock v. Clayton County* confirms that sex discrimination protections are inclusive of sexual orientation and gender identity, there remain gaps in nondiscrimination protections across federal programs, services, and benefits. Any legislative package must include explicit nondiscrimination protections that are inclusive of sexual orientation, gender identity, and immigration status – as originally outlined in the HEROES act of May 2020 – to ensure that families can equitably access the suite of supports meant to address the public health and economic consequences of the COVID-19 pandemic.
- **Invest in LGBTQ small businesses.** The American Jobs Plan proposes significant funding to support domestic employers, including manufacturers and small businesses. These investments are critical to enhancing access to capital and investment, allowing businesses to retain employees, expand, and build a more competitive, dynamic economy.⁴ The proposed \$31 billion in programs to support small businesses, including incubators and innovation hubs, must be LGBTQ-inclusive and should dedicate specific funding for LGBTQ small business owners. Congress should direct the Small Business Administration to create an office dedicated to identifying and supporting the needs of LGBTQ-owned small businesses—particularly those who are also members of other communities that are typically underinvested in, including women, people of color, transgender people, people with disabilities, and formerly incarcerated people. Additionally, Congress should end the prohibition on Small Business Administration loans to businesses considered to be of a “prurient sexual nature”⁵—which unfairly excludes many LGBTQ small businesses that provide culturally-specific products and services for LGBTQ customers because of their legal business activities.
- **Invest in home and community-based services (HCBS).** Provide a \$400 billion infusion into Medicaid HCBS to increase the availability of long-term services and supports for older adults and people with disabilities and to ensure the direct care workforce receives family-sustaining wages and access to career building opportunities.⁶ This funding should include a dedicated Federal Medical Assistance Percentage (FMAP) increase for Medicaid HCBS that builds on the one-year funding included in the ARPA. It should be equitably distributed around the country and attention should be given to ensuring services reach groups facing barriers to access. HCBS are critical for disabled and elder LGBTQ individuals because they are the only way those with significant physical and/or mental impairment can get an in-home aide to help them stay healthy in their home. Statistically, LGBTQ elder and disabled individuals are far more likely to be unpartnered, have no children, and be estranged from their family of origin, which means they have little in the way of a support system if they become unable to perform their activities of daily independent living. This means they can end up deteriorating in isolation, and/or end up

⁴ Nat’l Small Bus. Association, *2016 Year-End Economic Report* (February 2017)

<http://www.nsba.biz/wpcontent/uploads/2017/02/Year-End-Economic-Report-2016.pdf>.

⁵ 13 CFR § 120.110 (p).

⁶ Letter from Mary Kay Henry, President, Serv. Emp. Int’l Union to President Joe Biden, Vice President Kamala Harris, and Memb. of Cong. (April 19, 2021) <https://d3jpbvtfqku4tu.cloudfront.net/img/SEIU-Home-Care-Racial-and-Immigration-Justice-Letter.pdf?mtime=20210421180519>.

in a nursing home, where openly LGBTQ residents report experiencing harassment and discrimination.

- **Invest in the direct care workforce.** An increase for Medicaid HCBS must also be tied to better supports for the direct care workforce, including increased benefit and wages, access to training and career pathways, and opportunities to join unions. This funding should also include a mechanism to increase Medicaid funding and rates, to ensure that states cannot cut services and to ensure that workers' wages are increased and adjusted for inflation and rising wage standards.
- **Invest in the LGBTQ workforce.** The Williams Institute estimates that there are approximately 8.1 million LGBTQ workers living in the United States,⁷ but the federal government has rarely supported the specific training and employment needs of LGBTQ workers. With the *Bostock* decision being implemented and Congress continuing to consider the Equality Act, it is even more critical to invest in the future of the LGBTQ workforce.
 - **Workforce development.** The American Jobs Plan calls for \$48 billion to strengthen existing workforce development programs, with an additional \$12 billion invested in targeted funding to support underserved communities. Congress should direct the Labor Department, Education Department, and other appropriate executive agencies to dedicate parts of this funding to provide technical assistance to evaluate and scale up LGBTQ-focused workforce development programs, and promote LGBTQ-competent and affirming training, policies, and procedures, with a special focus on workforce development programs that serve economically-marginalized LGBTQ people.
 - **Subsidized employment.** The American Jobs Plan calls for Congress to invest in a new subsidized employment program. Subsidized employment is a time-tested, proven jobs strategy that can put large numbers of unemployed people to work rapidly and put income in the pockets of those who need it most.⁸ A new subsidized employment program can intentionally be designed to reach those most impacted by the recession, including economically-marginalized LGBTQ people such as LGBTQ people of color, youth and young adults, people with records, people experiencing homelessness, people with disabilities, and other LGBTQ people who hold intersectional marginalized identities. To promote an inclusive and equitable economic recovery, Congress must enact an equity-centered national subsidized employment program in any recovery legislation.⁹
 - **Equal employment opportunity.** With LGBTQ people continuing to face on-the-job discrimination, any workforce strategies must be paired with increased investment in

⁷ Conron KJ, Goldberg SK (2020) LGBT People in the US Not Protected by State Non-Discrimination Statutes. Williams Institute. <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-ND-Protections-Update-Apr-2020.pdf>.

⁸ CLASP, Subsidized Employment: A Proven Strategy for Supporting Rapid Economic Recovery (May 13, 2021) <https://www.clasp.org/publications/fact-sheet/subsidized-employment-proven-strategy-supporting-rapid-economic-recovery>.

⁹ Caitlin C. Schnur et al., Framework for an Equity-Centered National Subsidized Employment Program (January 12, 2021) <https://nationalinitiatives.issuelab.org/resource/framework-for-an-equity-centered-national-subsidized-employment-program.html>.

nondiscrimination enforcement. Congress should provide additional funding for the federal Equal Employment Opportunity Commission (EEOC) while also creating dedicated funding to strengthen state-level civil rights investigatory capacity for employment, housing and other discrimination cases and community-based investigations and enforcement.

- **Provide paid family and medical leave.** The United States is the only industrialized nation to have not yet established paid leave, and the American Families Plan wisely proposes twelve weeks of paid family and medical leave. This long-overdue reform is a necessary step to support the needs of LGBTQ workers and their families. As included in the American Families Plan, any paid leave proposal should have an inclusive family definition to include chosen family. Paid leave options should also be available to transgender people and their family members for gender-affirming surgery. It is also critical that working individuals have job protection to ensure that they don't lose their jobs when taking paid family and medical leave; this protection is especially critical for individuals caring for loved ones other than spouses, parents or children under 18 years of age, since the current job protection provisions in the federal Family and Medical Leave Act only cover those limited family relationships.
 - **Strengthen unions, worker centers and worker cooperatives.** The American Jobs Plan includes passage of the Protecting the Right to Organize (PRO) Act, an essential provision to guarantee union and bargaining rights for public service workers. Unions are an important driver in building, securing, and growing good-paying jobs. Congress should not only include the PRO Act in legislation but also take additional steps to ensure workers have a greater say in their workplace, including dedicated funding to support work centers and worker cooperatives. Funding should be allocated to develop programs and opportunities that can educate LGBTQ workers about their rights as employees and resources that can empower them in the workplace.
- **Strengthen digital infrastructure.** With more jobs leveraging a virtual workplace, LGBTQ workers must have consistent access to the internet. The American Jobs Plan correctly notes that broadband internet is the new electricity, proposing \$100 billion to expand broadband coverage and reduce the cost of internet service across the country. These investments are necessary steps in building a modern economy that works for LGBTQ families across the country.
- **Invest in data collection.** In addition to improving interoperable technology systems mentioned above, Congress should invest additional funding to expand and enhance sexual orientation and gender identity data collection and to test and implement intersex status data collection in the Current Population Survey, American Community Survey, and other federally funded surveys. These data collection infrastructure investments are crucial to better understand the economic wellbeing of LGBTQI individuals and families living in poverty; provide supports that meet their complex and varied needs; and craft evidence-based policy solutions to address disparities, especially in the realms of employment, housing, education, healthcare, food and nutrition.
- **Create more opportunities for home ownership.** LGBTQ people are more likely to rent their dwelling, and less likely to own their own home. In the housing market, LGBTQ renters and homebuyers encounter discrimination that obstructs their ability to obtain housing, and increases the costs they pay for their homes. The American Jobs Plan will employ grants and

rental assistance to expand affordable housing and provide over \$20 billion in tax credits to promote homeownership opportunities for underserved communities. Efforts to expand affordable housing for rental and homeownership to underserved groups should also prioritize opportunities that can help LGBTQ people and their families to find affordable rental units in their communities and support LGBTQ homeownership.

- **Support LGBTQ families.** Over two million children are being raised by an LGBTQ parent,¹⁰ encompassing about 22 percent of married same-sex couples.¹¹ Also, a recent report found that childhood poverty is the primary pathway into poverty for LGBTQ adults.¹² With additional steps to strengthen nondiscrimination across programs, LGBTQ couples are increasingly accessing federal supports for parents and families. These services and benefits are critical in enhancing ongoing employment and strengthening family economic security.
 - **Expand tax credits.** The American Rescue Plan Act included substantial expansions of major tax credits that provide ongoing income support to parents – including the Child Tax Credit and the Child & Dependent Care Tax Credit. Congress should permanently extend these tax credit improvements to continue the ARPA’s historic effort to cut child poverty rates and ensure parents have the resources to support their children’s needs. In addition, Congress should lift the prohibition, enacted in 2017, against claiming children with Individual Tax Identification Numbers (ITINs) for the Child Tax Credit. Congress should also make the ARPA’s expansions to the Earned Income Tax Credit for workers without dependent children permanent.
 - **Streamline access to benefits.** Low-income families must navigate complex application processes with competing requirements to obtain assistance provided under COVID-19 relief legislation. Although federal agencies have innovated effective ways directly deposit benefits and streamline notification and access, the burden disproportionately remains on families to identify and apply for assistance. Congress should invest in new technologies and streamlined processes to enhance access across the suite of available federal programs, including unified benefit applications.
 - **Expand housing assistance.** Millions of families face the threat of foreclosure or eviction as a result of the COVID-19 pandemic, and additional steps must be taken to eliminate housing instability that predated the pandemic. In order to have an equitable recovery for LGBTQ people, Congress should include universal rental assistance, \$70 billion to address the backlog in capital repairs for public housing, and \$40 billion annually for the national Housing Trust Fund (HTF) to ensure that families can access safe, accessible, and affordable housing. The HTF investment should include \$26 billion now to help states and localities convert and maintain motels, hotels, and other vacant properties into permanent, supportive housing for people experiencing homelessness—a critical investment to eradicate LGBTQ homelessness.

¹⁰ Family Equality Council (2017) LGBTQ Family Fact Sheet. <https://www2.census.gov/cac/nac/meetings/2017-11/LGBTQ-families-factsheet.pdf>.

¹¹ Goldberg SK, Conron KJ (2018) How Many Same-Sex Couples in the U.S. are Raising Children? Williams Institute. <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Same-Sex-Parents-Jul-2018.pdf>.

¹² Williams Institute (2020) Pathways Into Poverty: Lived experiences among LGBTQ people. <https://williamsinstitute.law.ucla.edu/publications/pathways-into-poverty/>.

- **Invest in schools and childcare.** Building the workforce of the future requires early investment in children's education, care, and safety in school and childcare settings. The American Jobs Plan includes \$137 billion in funding to support building improvements at childcare centers, schools, and community colleges to ensure that children have access to safe, modern, and accessible facilities. Investments in education must not be limited to only brick-and-mortar facilities, but should also support increased technology needs in the modern school setting. To best support the needs of LGBTQ students, tailored investments must be made to support ongoing afterschool programs, school mental health services, and school safety priorities (including addressing cyberbullying).
- **Invest in childcare as a public good.** With decades of chronic underfunding, a quiet child care crisis existed long before the pandemic started. Child care providers – the backbone of our economy – were paid poverty wages. Families across the country were already struggling to afford child care – if they were lucky enough to find it – before the pandemic unfolded. With decades of chronic underfunding, a quiet child care crisis existed long before the pandemic started. Child care providers – the backbone of our economy – were paid poverty wages. Families across the country were already struggling to afford child care – if they were lucky enough to find it – before the pandemic unfolded. The pandemic has merely exposed the vulnerabilities we've created by not investing—and shown that we cannot go back to the way things were. The American Families Plan proposes \$225 billion to help more families access quality, affordable childcare and increase wages for childcare workers, who often are not paid living wages, as well as \$200 billion for universal pre-K. However, we need at least a \$700 billion investment over the next 10 years to create 2.3 million new jobs, invest in affordable and high-quality child care for children birth to 13, ensure fair wages for child care providers, support parental workforce participation, and build the childcare system our economy and families need.
- **Expand nutrition support.** After a surge in hunger rates during the COVID-19 pandemic, the American Families Plan proposes vital provisions to support the nutrition needs of young children, primarily through a nationwide rollout of the Summer EBT Program and an expansion of school meals programs to provide free meals to more school-age children. The American Families Plan would take the important step of restoring access to SNAP for those formerly incarcerated for drug-related felonies, which is necessary to support re-entry into the community. Congress should also extend temporary SNAP benefit boosts that are due to sunset shortly and support ongoing efforts by the U.S. Department of Agriculture to evaluate and permanently expand the value of SNAP and WIC benefits to ensure ongoing nutrition assistance for low-income families.

The pandemic demonstrated that too many families live only one paycheck away from economic insecurity, and low- and moderate-income LGBTQ families require swift and visionary action to build a stronger, more inclusive economy. Congress must deliver bold reforms that promote greater job opportunities, investment in LGBTQ businesses and workers, and supports for LGBTQ parents and families. Congress should also raise revenues through progressive tax policies, such as increasing the top income tax rates and corporate tax rate, taxing wealth like work, and increasing IRS funding to ensure the wealthy and big corporations pay the taxes they owe. These tax reforms would support these

investments in LGBTQ families, increase racial, gender, and economic equity, and promote economic growth.

We look forward to ongoing dialogue as Congress considers the next phase of legislative progress. For any questions or additional information, please contact National Center for Lesbian Rights Senior Policy Counsel Tyrone Hanley at thanley@nclrights.org or 202.236.4397.

Sincerely,

The National LGBTQ Anti-Poverty Action Network