

Resistance Recess
LGBTQ Issues Guide

Portions of this guide were adapted from [Lifting Economic Policies That Support All Families](#)

Issues Covered:

- LGBT Non-Discrimination
 - Equality Act
 - Section 1557 of the Affordable Care (ObamaCare)
 - LGBTQ non-discrimination regulation
- Religious Exemptions
 - Trump executive order
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LGBTQ Non-Discrimination

- 1. Ask your members of Congress to support the Equality Act. If they support it, thank them.**
- 2. Tell your members of Congress to fight any attempt to repeal the Affordable Care Act, including Section 1557 of the Act.**

Despite what many people think, explicit sexual orientation and/or gender identity non-discrimination laws do not exist in over half of the states in the U.S., which means that LGBTQ individuals can be fired, denied care, or thrown out of their homes for being LGBTQ without any recourse under state or local law. Without legal protections, LGBTQ workers face discrimination that makes it harder for them to find and keep a job and provide for their families. Census data analyses confirm that in nearly every state, men in same-sex couples earn less than men in heterosexual marriage earn, and lesbians and bisexual women are more likely to live in poverty than are heterosexual women. A national survey of transgender individuals found that 47% of respondents had been discriminated against in hiring, promotion, or job retention. And 26% of Latina/o transgender individuals have been terminated from their jobs because of bias. In 2014 the Public Religion Research Institute [found](#) that nearly 70% of Americans support LGBTQ workplace protections.

Equality Act: The [Equality Act](#) was introduced in the [114th Congress](#) and is expected to be introduced in the current Congress. The Equality Act would explicitly prevent LGBTQ people from being discriminated against in the areas of employment, housing, access to public places, credit, federal funding, and jury service. The law would also amend current law by preventing discrimination on the basis of sex in federal funding and access to public spaces.

Section 1557 of the ACA: Under [Section 1557](#) of the Affordable Care Act (aka ObamaCare) a person may not be discriminated against based on sex when participating in health programs or services that are run or funded by the Department of Health and Human Services (HHS) and in ACA marketplace or insurance plans. HHS has interpreted sex discrimination to include gender identity. On December 31, 2016 a federal judge in Texas stopped HHS from enforcing this part of Section 1557. However, the fight is not over. In addition to fighting in the courts, we must make sure that Congress does not repeal this important provision of the ACA.

LGBTQ non-discrimination regulation: Currently, a federal regulation bans federal contractors and subcontractors from discriminating against LGBTQ employees. The Williams Institute [estimates](#) that the law protects an additional 16.5 million more workers than were already protected by state or private anti-discrimination policies. President Trump can change the regulation by amending it or signing an executive order that provides for broad religious exemptions (see below for more on religious refusals).

To find out if LGBTQ people are protected from discrimination in your state or town, visit the Movement Advancement Project's Equality Map [page](#).

Religious Exemptions

- 1. Ask your members of Congress if they oppose the First Amendment Defense Act. If they oppose it, thank them.**
- 2. Tell your members of Congress to speak out against any attempt by Trump to sign an executive order furthering religious exemptions to federal laws.**

The First Amendment Defense Act, like many other recently proposed state laws, would dramatically broaden religious exemptions to permit people, churches, non-profit organizations, and sometimes corporations to violate laws—including even public health and non-discrimination laws—that they say conflict with their religious beliefs or moral convictions. Dozens of these types of bills have been filed in state legislatures across the country targeting LGBTQ people and other marginalized communities. Compared to the general U.S. population, the LGBTQ community already experiences higher rates of employment discrimination, as well as discrimination in accessing healthcare. This is exacerbated for LGBTQ people of color: 36% of Latina/o transgender persons have postponed needed healthcare because they feared discrimination. Even without employer interference, LGBTQ persons are refused treatment by their providers and healthcare facilities on the basis of discriminatory personal beliefs.

These broad new religious exemptions would also allow healthcare professionals and institutions to refuse to provide comprehensive reproductive healthcare services, impacting access to birth control, sterilization, and abortion services. Seventeen states allow individual providers to refuse to perform sterilizations, 6 states permit pharmacists to refuse to fill contraception prescriptions, and 45 states allow individual providers to refuse to perform abortions. Nearly 75 percent of Americans [believe](#) treating everyone fairly under the law takes precedence over one's religious beliefs. Additionally, over 60% of people of faith in this country agree.

Trump executive order: Many expect that Trump will sign an executive order (EO) that will further extend overly broad religious exemptions to federal laws. So even if Trump does not get rid of the federal LGBTQ workplace regulation, this EO would provide a huge loophole. Drafts of the possible EO include provisions that would expand redefined religious exemptions for any employer that is a federal contractor, subcontractor, recipient of a federal grant or participant in a federal purchase order. It would also allow religious health care providers and closely held health care providers to refuse to treat LGBTQ people if it conflicts with their sincerely held religious beliefs or moral convictions and permit child welfare institutions to discriminate against LGBTQ individuals and couples seeking to foster or adopt a child. The draft EO would additionally empower child welfare agencies to discriminate against single parents and religious minorities.

First Amendment Defense Act: As [introduced](#) in the last Congress, the [First Amendment Defense Act](#) (FADA) would allow state-sanctioned discrimination by allowing individuals, non-profits and many

businesses contracting with the federal government to go around protections designed to protect LGBT people, same-sex couples and their children, single mothers and their children, and unmarried couples from discrimination. Senator Ted Cruz stated he would introduce the bill in the current Congress and President Trump has said that he would sign it into law. In addition to being discriminatory, FADA is unnecessary. The U.S. Constitution protects both the freedom of religion and freedom from religion. Let's work together to ensure that civil rights and human rights protections are not trampled on.

To track current state religious exemptions bills visit [here](#).

Supreme Court Justice Neil Gorsuch

Senators who opposed the confirmation of Neil Gorsuch for the U.S. Supreme Court should be thanked. If your Senator(s) voted to confirm Judge Gorsuch, let them know that he or she has given President Trump a rubber stamp on the Supreme Court, with a record and approach that threatens our rights, and that you will remember his or her vote when they are up for re-election.

After Senate Republicans' year-long blockade of President Obama's Supreme Court nominee, Judge Merrick Garland, Trump nominated Neil Gorsuch to fill the vacant seat. Gorsuch is [a far-right extremist](#) whose scholarship and decisions strongly indicate that he will undermine the rights of women, people of color, workers, and LGBT people. In a 2005 *National Review* article he criticized LGBT people for relying on federal courts to achieve equality. In a 2015 court opinion, Gorsuch rejected the claim of a transgender woman in prison who argued that the state of Oklahoma violated her constitutional rights by denying her access to necessary hormone treatment and the right to wear feminine clothing. In addition to being bad on civil rights, Gorsuch would continue to be a voice for corporations and the wealthy, at the expense of the rights of everyday people. He joined the original *Hobby Lobby* decision that said corporations are people with religious rights, and therefore able to deny employees contraceptive coverage. [An independent assessment](#) of his jurisprudence concluded that he is to the right of Justice Scalia.

When Gorsuch failed to meet the 60-vote threshold Senate rules required for Supreme Court nominees, Senate Republicans chose to change the rules and destroyed 200 years of tradition. The Senate then [confirmed](#) Gorsuch with a simple majority vote instead of the broad support a lifetime term on the highest Court should demand.

Oversight of Federal Agencies

Ask your members of Congress how they plan to prevent Trump appointees from rolling back LGBTQ protections.

President Trump's cabinet is turning out to be one filled with individuals who are inexperienced and hostile to the missions of the agencies they will be leading. Each member of Congress sits on committees that are responsible for overseeing specific federal agencies. For example, the [Senate Committee on Health, Education, Labor, and Pensions](#) (HELP) looks over the departments of Labor, Education, and Health and Human Services. Members of Congress must do their job to watch over the agencies to make sure they do not attempt to roll back on previous advances made to protect the LGBTQ community.

Since January, the Trump administration has taken a number of anti-LGBTQ steps. Examples include:

- removing questions on sexual orientation and gender identity from federal surveys and from a proposal to count LGBT Americans in the Census and American Community Survey;

- signing into law a bill overturning an Obama executive order that required companies seeking contracts with the federal government to show compliance with federal anti-discrimination laws;
- appointing opponent of LGBT rights Roger Severino to head the Office for Civil Rights in the Department of Health and Human Services.

Members of Congress can stand up to actions like these by requesting reports from an agency, calling hearings, or conducting investigations. However, the majority party (in this Congress in both chambers it is the Republicans) has a lot more power to determine what the committee does. To learn more about the role of Senate committees visit [here](#) and to find out more on the House of Representatives visit [here](#).

To find Senate committee assignments visit [here](#) and to find House of Representatives committee assignments visit [here](#).

Federal Budget

Tell your members of Congress to oppose any budget cuts to important federal programs that support people living in poverty and the environment in order to divert more money to the military and a bigger wall along the U.S.-Mexico border, and to oppose policy riders.

Every year, Congress must pass a series of appropriations bills to fund the services and safeguards that protect families and communities. The process starts in the spring, which makes now a crucial time to make your voice heard.

On March 16, President Donald Trump released a “[skinny budget](#),” previewing his administration’s budget proposal (i.e. request) for fiscal year 2018 (October 2017 – September 2018). President Trump has proposed drastic cuts to discretionary spending while asking for an additional \$54 billion for the defense department. These cuts would slash spending on social safety net programs, HIV research and prevention programs, protection of the environment, and foreign aid. For a visual aid of Trump’s “skinny budget” proposal check out the Washington Post’s [guide](#).

Republicans are threatening to attach to budget legislation hundreds of harmful policy riders that would repeal essential public protections. These measures have nothing to do with funding our government, and most of them could not become law if they were standalone bills. These ideological riders could do lasting damage to our system of public safeguards, which is designed to prevent tragedies that would spell disaster for individuals, families, businesses and communities. Specifically, they would roll back Wall Street reforms, gut clean air and clean water protections, attack women’s health care and fundamental civil rights, and more — all in order to benefit corporations and wealthy donors.

Below are proposed federal budget cuts and potential policy riders that would hurt LGBTQ people.

Proposed Budget Cuts:

- **HIV/AIDS:** Trump has proposed cutting \$1.2 billion from the National Institutes of Health, \$50 million from CDC HIV research and prevention programs, and nearly \$300 million from the global HIV and AIDS treatment through the President's Emergency Plan for AIDS Relief (PEPFAR)
- **Legal Services Corporation (LSC):** Trump has proposed to eliminate [LSC](#), which is [the primary funder](#) of civil legal aid in the country. A number of legal aid providers have LGBTQ programs. Already legal aid organizations are [unable to meet](#) the demand for legal services. Cutting LSC

funds would make the situation much worse, because states are unlikely to cover the money lost in federal spending.

- **US Interagency Council on Homelessness (USICH):** Trump has called for the elimination of the council. USICH helps coordinate the work of federal agencies that are focused on homelessness. This will make it more difficult for the federal government to address the epidemic of homelessness in our country. This is a serious concern for the LGBTQ community because of the [high rates](#) of homelessness experienced by LGBTQ youth.
- **Additional proposed cuts:** Trump has also proposed budget cuts that would hurt people of color and low-income people, including eliminating some affordable housing funding and the Low-Income Home Energy Assistance Program (LIHEAP), which helps low-income families pay their heating bills, closing a number of Job Corps centers, and reducing college work-study funds.

Proposed Riders:

- **Reproductive Health:** We must fight any attempts to restrict the right to abortion and access to comprehensive reproductive health care. Congress has already passed a bill blocking an Obama regulation that prevented states from denying federal family planning dollars to health centers that provide abortion services; the bill is awaiting Trump's signature. Members of Congress should be called out if they voted for this attack on health care access, and praised if they did the right thing and voted no. They should also be told not to support the [Hyde Amendment](#), a policy rider that prevents Medicaid from covering most abortion services. Finally, Congress must resist any provisions in future legislation that would ban federal funds from Planned Parenthood. Planned Parenthood is often the only source of care for many in underserved and vulnerable communities. For many LGBTQ people, who experience stigma and discrimination in the health care system, the specially trained staff and tailored programs – including services for transgender people – offered at these clinics are a lifeline.
- **Poverty:** In past years, conservative members have proposed riders that would restrict funding for the annual supplemental poverty measure, a metric that helps anti-poverty advocates determine the number of people in need of services in their community. Members should oppose any attempt to restrict our understanding of low-income communities.

For more useful resources, check out [Resistance Recess](#), [100 Days and Me](#), [Townhall Project 2018](#), and [Indivisible](#).