

**THERE'S NO PRIDE IN PREJUDICE: ELIMINATING
BARRIERS TO FULL ECONOMIC INCLUSION
FOR THE LGBTQ+ COMMUNITY**

VIRTUAL HEARING
BEFORE THE
SUBCOMMITTEE ON DIVERSITY
AND INCLUSION
OF THE
COMMITTEE ON FINANCIAL SERVICES
U.S. HOUSE OF REPRESENTATIVES
ONE HUNDRED SEVENTEENTH CONGRESS
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**THERE'S NO PRIDE IN PREJUDICE:
ELIMINATING BARRIERS TO FULL
ECONOMIC INCLUSION FOR
THE LGBTQ+ COMMUNITY**

Tuesday, November 9, 2021

U.S. HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON DIVERSITY
AND INCLUSION,
COMMITTEE ON FINANCIAL SERVICES,
Washington, D.C.

The subcommittee met, pursuant to notice, at 12:05 p.m., via Webex, Hon. Joyce Beatty [chairwoman of the subcommittee] presiding.

Members present: Representatives Beatty, Tlaib, Dean, Garcia of Texas, Williams of Georgia, Auchincloss; Wagner, and Gonzalez of Ohio.

Ex officio present: Representatives Waters and McHenry.

Chairwoman BEATTY. The Subcommittee on Diversity and Inclusion will come to order.

Without objection, the Chair is authorized to declare a recess of the subcommittee at any time. Also, without objection, members of the full Financial Services Committee who are not members of this subcommittee are authorized to participate in this hearing.

Today's hearing is entitled, "There's No Pride in Prejudice: Eliminating Barriers to Full Economic Inclusion for the LGBTQ+ Community."

I now recognize myself for 4 minutes to give an opening statement.

Good afternoon. I am pleased to convene the Subcommittee on Diversity and Inclusion for this hearing entitled, "There's No Pride in Prejudice: Eliminating Barriers to Full Economic Inclusion for the LGBTQ+ Community."

In 27 States, there are no explicit Statewide laws protecting people from discrimination on the basis of sexual orientation or gender identity in employment, housing, and public accommodations.

And at the Federal level, there are no fair housing or credit protections based on expressly sexual orientation or gender identity. This puts many LGBTQ+ individuals at risk, and youth at risk of experiencing chronic homelessness, unemployment, or being unbanked.

We are a nation of many colors, a rainbow, if you will, and today, we will explore the LGBTQ+ community and what it faces: Sys-

temic barriers to financial inclusion and employment simply because of who they are.

Just the other day, I was at Metro High School, where young students in a science, technology, engineering, and mathematics (STEM) program had one of their categories as LGBTQ+, because they understood the value of diversity. What a great preview for today, for this hearing, and to have so many experts.

Today, we know it has been documented by a recent Gallup poll of 2021 that 18 million adults are self-identified as LGBTQ+ individuals. These are our family members, our colleagues, and our friends. And every day, these individuals face bigotry and discrimination, especially when it comes to securing safe and stable housing.

I joined with my colleagues to pass H.R. 5, the Equality Act, that would prohibit discrimination based on sex, sexual orientation, and gender identity in any area, including employment and housing. This bill is currently pending in the Senate, but the founding principles in our community are clear: All men and women are created equal and with inalienable rights that one does not forfeit due to their sexual orientation or identity.

Yesterday, there was also a young individual there who had written an article on racism and diversity, and he stood so proudly as he escorted adults to talk about the value of that. You will hear more about this young man, as I talk to our expert witnesses, and I will give you a quote by him as we talk to our witnesses. But let me just say that we have a lot to learn about this agenda, and I certainly look forward to the testimony of our witnesses, who will not only enumerate the depth of the challenges, but also share comprehensive solutions to help our country live up to its values.

Now, I yield back the rest of my time, and it is my honor as the Chair to recognize the ranking member of the subcommittee, my friend and my colleague, Congresswoman Ann Wagner, for 4 minutes for an opening statement.

Mrs. WAGNER. Thank you, Madam Chairwoman, and I want to thank all of our witnesses for joining us today as we examine policies that promote economic success for all Americans, Federal protections against discrimination, the benefits of a diverse workforce, and the ways in which corporate culture shifts that create a more inclusive environment are proving effective throughout the private sector, including the financial services sector.

Research shows that companies with more diverse workforces outperform their less-diverse competitors. Specifically, companies that implement inclusive workplace practices saw an average of a 6.5-percent increase in stock performance, compared to industry peers. Additionally, inclusive companies are able to better attract talented candidates and to retain their workforce. A 2017 study by Deloitte found that 80 percent of respondents said that workplace inclusion was an important factor when choosing an employer, and the business community has taken notice.

In this subcommittee, we have discussed ways that a business can improve retention and develop a more inclusive workplace. Those best practices include transparency regarding salaries and promotion opportunities, mentoring and sponsorship programs, employee resource groups, and flexible work hours for working moth-

ers and families, to name just a few. I believe that every American should have equal access to economic opportunities, and I look forward to hearing from today's witnesses.

I would now like to take this opportunity to yield 1 minute to my friend and colleague from North Carolina, the ranking member of the full Financial Services Committee, Mr. Patrick McHenry.

Mr. MCHENRY. Thank you, Ranking Member Wagner. I certainly appreciate your leadership on these very important issues and how we, more importantly, drive inclusion across our economy.

The promise of the American Dream is that if you work hard and you play by the rules, you can achieve success. Unfortunately, we know that dream is not a reality for everyone. And where we find barriers to economic inclusion, we must knock them down. Where we find discrimination, we must eliminate it. Every American deserves access to the opportunities, tools, and services that can make the American Dream a reality.

I want to thank our witnesses for being here, and I thank the ranking member for yielding.

And I want to thank the Chair for holding the hearing.

I yield back.

Mrs. WAGNER. Thank you. I thank the ranking member, and I yield back the balance of my time to the Chair. Thank you.

Chairwoman BEATTY. Thank you so much. I now have the great honor of recognizing the Chair of the Full Committee, the gentlewoman from California, the Honorable Chairwoman Maxine Waters, for 1 minute.

Chairwoman WATERS. Thank you so very much for holding this important hearing, Chairwoman Beatty.

The fight for LGBTQ+ rights is far from over. While same-sex marriage and other milestones of LGBTQ+ equality have become a reality within the last 10 years, this community still faces discriminatory barriers and financial burdens.

For example, data shows that individuals within the LGBTQ+ community often have more trouble finding affordable, safe, and equitable housing. Across America, an estimated 20 to 40 percent of homeless youth identify as LGBTQ+. Additionally, the LGBTQ+ community faces difficulties in accessing employment opportunities and being positively included in workplace environments compared to other heterosexual and cisgender counterparts. I am proud that this committee is ensuring that these kinds of disparate impacts are not tolerated.

Thank you again, and I yield back the balance of my time.

Chairwoman BEATTY. I thank our chairwoman.

Now, we will welcome the testimony of our distinguished witnesses: David Johns, the executive director of the National Black Justice Coalition; Spencer Watson, the president and executive director of the Center for LGBTQ Economic Advancement and Research; Tanya Asapansa-Johnson Walker, the co-founder of the New York Transgender Advocacy Group, and the facilitator of the Transgender Women's Support Group, SAGE; and Todd Sears, the founder and CEO of Out Leadership.

The witnesses are reminded that their oral testimony will be limited to 5 minutes. You should be able to see a timer on your screen that will indicate how much time you have left. When you have 1

minute remaining, a yellow light will appear. I would ask that you be mindful of the timer, and when the red light appears, to quickly wrap up your testimony so we can be respectful of both the other witnesses' and the subcommittee members' time.

And without objection, your written statements will be made a part of the record.

Mr. Johns, you are now recognized for 5 minutes to give an oral presentation of your testimony.

**STATEMENT OF DAVID J. JOHNS, EXECUTIVE DIRECTOR,
NATIONAL BLACK JUSTICE COALITION (NBJC)**

Mr. JOHNS. Thank you, Chairwoman Beatty, Ranking Member Wagner, and members of the subcommittee, for allowing me this opportunity.

My name, as has been said, is David Johns, and it is my honor to serve as the executive director of the National Black Justice Coalition (NBJC), the nation's most preeminent civil rights organization focused on empowering Black LGBTQ+ and same-gender-loving people, families, and communities.

If there is one thing I want the subcommittee to hear me say, it is that while the beautifully-diverse Black community is burdened by the problems caused by racism, Black people with intersectional identities are often confronted with additional nuanced challenges, too often neglected and ignored. I will not read my written testimony, but I think it is important to highlight three things.

First, students who are or who are assumed to be LGBTQ+ lack the protections afforded to their peers, and the challenges they face in schools make it difficult for them to be happy, healthy, and successful later in life. My doctoral dissertation entitled, "By Any Means Necessary: Supporting the Learning & Development of Black LGBTQ+/SGL Public School Students in the United States," calls for increased investments in school- and community-based support for LGBTQ+ youth, and national, interoperable data sets which acknowledge that many of us have intersectional identities that shape how we experience public institutions like schools in powerful ways.

When I think about this, I often think about Hope, an Afro-Latinx trans student who describes her middle- and high-school years as, "treacherous." When Hope was beaten in a school hallway by three unidentified classmates, surrounded by peers who laughed at the sight of blood painting her face and the floor, she was suspended until she could prevent the abuse by changing her identity. As a former classroom teacher, I know that students cannot demonstrate what they know and have learned if they do not feel safe. And we know, based on data collected with our colleagues at the Gay, Lesbian, & Straight Education Network (GLSEN), that Black LGBTQ+ students find schools to be hostile and unwelcoming spaces, which often results in them failing to develop the skills, experiences, and relationships needed to be successful later in life.

Second, as you know, what happens to students in schools has a profound impact upon life opportunities and outcomes, especially Black lesbian, gay, bisexual, transgender, queer, intersex, asexual (LGBTQIA+) and same-gender-loving youth, who are often forced to begin their journey into adulthood early. As a result of familial and

social rejection, LGBTQ+ young people are overrepresented amongst homeless and foster youth, and Black LGBTQ+ are significantly overrepresented in both of these spaces. Young people experiencing housing instability are less likely to complete school, making it difficult to find success as an entrepreneur or to obtain a good job.

At the Black Institute 2021, an event that NBJC hosts annually, members of our community described being denied interviews, being let go or laid off, and being denied promotion opportunities.

And when discrimination occurs only due to race, gender, or sexual orientation or gender identity, thanks to the recent U.S. Supreme Court *Bostock* decision, filing an EEOC claim is an option. However, when one experiences employment discrimination or other forms of discrimination based on race and sexual orientation or more, the pathway to Federal legal remedy for harm is more complicated and not plausible at all. It is imperative that we close this legal loophole created by not protecting people discriminated against due to marginalized intersectional identities.

And I thank those of you who voted for the Equality Act. Once codified, the Equality Act will aid in addressing this legal loophole. The Equality Act is also important when considering how home ownership and housing stability facilitate economic stability in the United States. More than half of the States throughout our country still lack laws explicitly banning housing discrimination against LGBTQ+ Americans. We often face discrimination when working with real estate agents, requesting loans for housing, and when seeking shelter.

NBJC's Deputy Executive Director for Programs and Policy, Victoria Kirby York, experienced housing discrimination when moving from Florida to Maryland. After meeting with a REALTOR to tour a condo in Maryland, she and her wife were assured that an apartment was available and that they possessed the qualifying credit score. And it was only during a post-tour conversation when the two women referenced each other as spouses, which made it clear that they were not simply friends splitting the rent, that the REALTOR then ceased all conversation between the property owner and the couple.

After that painful experience, Victoria and her wife, who is a homelessness prevention social worker, decided to purchase a home. And, during their housing search, they received dramatically different home mortgage interest rates from banks. As many of you know, an APR of 4.25 percent, compared to 3.25 percent, makes a significant difference in how much an FHA loan will cost after 30 years. Their credit score or financial situations did not change during this process, only the institution and the persons processing their applications.

To be clear, the Equality Act would provide a Federal remedy for couples like the Yorks, and single members of our community seeking housing security and stability. And, while protections based on race exist, Federal law does not explicitly protect same-gender-loving couples or spouses from housing discrimination. Poverty and toxic stress caused by housing, food, and employment instability and insecurity increases the likelihood of significant physical, men-

tal, and emotional challenges, and collectively, we have witnessed this sequence of actions cripple communities for generations.

Leveling the playing field to ensure that every American has economic opportunities is essential to preserving our democracy, and it is especially important for Black LGBTQ+ and same-gender-loving people and communities, who disproportionately struggle economically, often through no fault of our own.

I hope that somewhere in between these words, I have made clear the need to eliminate barriers for full economic inclusion for Black and LGBTQ—

Chairwoman BEATTY. Thank you. The gentleman's time has expired. Thank you so much, Mr. Johns.

[The prepared statement of Mr. Johns can be found on page 24 of the appendix.]

Chairwoman BEATTY. Mx. Watson, you are now recognized for 5 minutes to give an oral presentation of your testimony.

STATEMENT OF SPENCER WATSON, PRESIDENT AND EXECUTIVE DIRECTOR, CENTER FOR LGBTQ ECONOMIC ADVANCEMENT & RESEARCH (CLEAR)

Mx. WATSON. Thank you, Chairwoman Beatty, Ranking Member Wagner, and members of the subcommittee. Thank you for the opportunity to testify at today's hearing. My name is Spencer Watson, and I am the founder, president, and executive director of the Center for LGBTQ Economic Advancement and Research, or CLEAR. In my testimony today, I will be sharing some of the most current knowledge about financial well-being and economic opportunities for LGBTQ people and the current state of the LGBTQ wealth gap.

Like other underserved communities, the LGBTQ people experience a wealth gap as compared to heterosexual and cisgendered peers. LGBTQ people report smaller incomes than non-LGBTQ people do and are more likely to live in poverty than non-LGBTQ people. One in five LGBTQ adults in the United States in 2019 reported earning less than \$25,000 a year, which is 1.5 times more often than for non-LGBTQ people. And 1 in 20 reported earning less than \$5,000 a year, which was 2.5 times more often than for non-LGBTQ adults. Transgender people are 4 times more likely to make less than \$10,000 a year than the general population.

To bridge the gap between their income and their expenses, LGBTQ people are more likely to make use of government benefits and other sources of financial support than are non-LGBTQ people. LGBTQ people are 1.8 times more likely to make use of the Supplemental Nutrition Assistance Program, or SNAP, than non-LGBTQ adults, and are 2 times more likely to make use of government housing assistance programs.

LGBTQ people are more likely to be unemployed or underemployed than are non-LGBTQ people. In 2019, LGBTQ adults were 1.8 times more likely to report that they were unemployed and looking for work than non-LGBTQ adults. And one-third of LGBTQ adults who were employed said that they had wanted to work more in the previous month. Employment gaps particularly affect younger LGBTQ adults. One in 10 LGBTQ adults aged 18- to 29-years-old were unemployed and looking for work, which was much more often than for non-LGBTQ peers.

LGBTQ people are also less likely to have adequate insurance coverage than are non-LGBTQ people. One in 10 LGBTQ adults did not have health insurance in 2019, 1.5 times more often than non-LGBTQ adults, and more than one in six Black and Hispanic LGBTQ adults did not have health insurance coverage. Insurers are also less likely to offer inclusive plans that cover LGBTQ people's unique health needs, including gender-affirming care, and family formation costs such as in vitro fertilization and surrogacy. And the lack of adequate insurance coverage forces many LGBTQ people to forego needed healthcare and to also pay more out-of-pocket for the healthcare that they do receive. One in five LGBTQ adults without insurance who paid out of pocket for their health care paid more than \$5,000, which was 1.8 times more often than for non-LGBTQ adults.

Although home ownership is frequently regarded as a principal way for U.S. households to build their wealth and financial security, LGBTQ people are less likely to obtain the benefits of home ownership because they are less likely to own their homes. Less than half of LGBTQ adults owned their home in 2019, as compared to around two-thirds of non-LGBTQ adults. And those who do own their homes are more likely to be repaying their mortgage instead of owning their home in full. LGBTQ renters were more likely to report that they did not own a home because they could not afford a down payment or they did not think that they would qualify for a mortgage. And LGBTQ women and people of color are even less likely to own their homes. In 2019, only 43 percent of LGBTQ women owned their home, and less than a third of Black LGBTQ adults owned their home.

LGBTQ households are also more likely to be unbanked and underbanked than non-LGBTQ households. In 2019, LGBTQ households were 1.6 times more likely to be unbanked and were also more likely to be underbanked. Overall, more than one in five LGBTQ adults were unbanked or underbanked in 2019. Inadequate access to traditional financial services means that LGBTQ people are more likely to make use of alternative financial services such as check cashers, payday loans, pawn shops, and title lenders. In 2019, one in five LGBTQ households had used one or more alternative financial services in the previous year, which is 1.25 times more often than non-LGBTQ adults.

LGBTQ people are also more likely to apply for credit, but they are also more likely, when they do apply, to have their applications for credit rejected. Over a third of the LGBTQ people who applied for credit in 2019 had their applications rejected, and they were also 1.25 times more likely to be offered less credit than they had wanted. Transgender and gender-nonconforming people are also likely to experience difficulties with their credit reports when they change their names.

And so, I want to highlight the fact that the LGBTQ community is not a monolith, and LGBTQ people come from different racial, social, economic, and cultural backgrounds that affect their economic—

Chairwoman BEATTY. Thank you. Your time has expired, but thank you very much for your testimony.

[The prepared statement of Mx. Watson can be found on page 50 of the appendix.]

Chairwoman BEATTY. Ms. Walker, you are now recognized for 5 minutes to give an oral presentation of your testimony.

STATEMENT OF TANYA ASAPANSA-JOHNSON WALKER, CO-FOUNDER, NEW YORK TRANSGENDER ADVOCACY GROUP (NYTAG), AND GROUP FACILITATOR, TRANSGENDER WOMEN'S SUPPORT GROUP, SAGE

Ms. WALKER. Thank you. Hello, members of the subcommittee, and thank you for holding this hearing on an issue that I believe impacts the entire LGBTQ community, or lesbian, gay, bisexual, transgender, queer, and questioning community, but it especially affects those who are transgender, gender-nonconforming, and non-binary, or TGNCNB.

I am a proud Black transgender woman. I am a combat engineer Army veteran, and my past has not been an easy one. Despite suffering harassment and abuse verbally, physically, and sexually in the Army, I received an honorable discharge in 1984.

I went on to study social work at the College of Staten Island (CSI), where I was constantly misgendered by my professors and was eventually run off the campus for protesting for an out lesbian judge, Judge Karen Bernstein, in 1994, against remarks by the borough president, Guy V. Molinari, that because she was an out lesbian, she wasn't fit to serve as attorney general of New York State. I was forced to leave college, and I wasn't able to finish my education. I was forced to leave school abruptly. I was the leader of the lesbian and gay group at CSI. I protested for the judge and was then called all kinds of names. A couple of carloads of students rode up to me and called me all kinds of gay epithets, and so I wasn't able to complete my education as a social worker.

In 1988, I was severely injured in a car accident, which served as a catalyst for me to come to terms with my identity as a woman, and I decided that life is too short for me to live unauthentically. I tried to find medical care to assist with my transition but was turned away, laughed at, and, at times, declared mentally ill. One of my doctors called me schizophrenic and prescribed me pills for a condition I didn't have. From 1990 through 2010, it was virtually impossible to find doctors or other medical providers who did not overtly reject or minimize my issues. They even ridiculed and mocked me for my gender identity. I have been laughed at, misgendered, and dead-named, which is calling me by the name that was given to me at birth. So, that was often a problem in my life.

This impacted my life greatly, not only with healthcare, but with my ability to find work and safe housing. Many of my friends and I were unable to find employment because people would not hire transgender folks. Despite being a combat engineer veteran, I was forced to rely on food pantries and kitchens throughout my adult life. I had a lot of problems finding hormones and had to resort to the streets to find them.

Today, I am here to advocate for adequate housing for trans folks, who are often misgendered and not able to live authentically and not self-actualized in society, as in Abraham Maslow's Hier-

archy of Needs. I am here to advocate for the Equality Act and full inclusion of transgender folks into this arena.

Health and finances also impact one's ability to find affordable, safe housing. I, myself, have been turned away several times and discriminated against when seeking housing. And I have heard horror stories from my friends, both through my work at Housing Works, but also through TGNC folks all around New York State.

Transgender women either get physically and verbally abused when in female shelters, being told they are men and do not belong, or they get physically assaulted, verbally assaulted, or sexually assaulted. I am here to help get safer spaces created for TGNC people, demanding that there be cultural sensitivity training for all staff, and even folks doing business with the shelters.

Chairwoman BEATTY. I'm sorry, your time has expired, Ms. Walker, and thank you for your testimony.

[The prepared statement of Ms. Walker can be found on page 45 of the appendix.]

Chairwoman BEATTY. And Mr. Sears, you are now recognized for 5 minutes to give an oral presentation of your testimony.

STATEMENT OF TODD G. SEARS, FOUNDER & CEO, OUT LEADERSHIP

Mr. SEARS. Thank you very much. Chairwoman Beatty, Ranking Member Wagner, Chairwoman Waters, Ranking Member McHenry, and distinguished members of this subcommittee, I want to really thank you for holding this important hearing today.

I sit before you today as a proud, openly gay American, a former investment and private banker, a former chief diversity officer, and now the founding CEO of Out Leadership, a B corporation, and the very first company in the history of the United States whose sole product is equality. Our 88 member companies are predominantly American and employ over 7 million Americans in every State in this country.

Distinguished members of this committee, my work with over 1,000 CEOs and hundreds of businesses in the last 20 years has shown me that LGBTQ equality and inclusion should not be political. It is neither a Democrat nor a Republican issue. Equality is a business issue, and it impacts every American, gay or straight, and it reaches every corner of the economy of our great nation.

Since 2008, every study has shown that stock prices of LGBTQ-friendly companies outperform their peers from 6.5 to almost 9 percent. Additionally, LGBTQ-inclusive U.S. companies have higher income for employees, more patents, more trademarks, and more copyrights, as well as much higher overall engagement and retention than their less-inclusive companies and counterparts.

Unfortunately, due to the absence of Federal protections for LGBTQ people, the positive benefits of inclusion are not felt universally in the United States, leaving the costly burden to individual companies to navigate a patchwork of State laws. Recent Out Leadership research revealed that almost one-third of LGBTQ people will take a pay cut to move from one State to another State that has more favorable treatment of LGBTQ workers.

Diversity efforts have to be inclusive. Time and again, countless Federal and State bills are introduced to promote diversity, inclu-

sion, and disclosure that completely omit and exclude the LGBTQ community. LGBTQ people are still not a federally-protected category, as was mentioned earlier today, and that is something most Americans actually don't know.

Importantly, as my fellow witnesses have noted today, racial justice and gender equality must continue to be a core and inseparable part of the fight for LGBTQ equality. The most vulnerable LGBTQ households in America hold multiple intersectional identities, and that compounds the burden of discrimination based on sexual orientation and gender identity that they experience.

Post-pandemic data shows that LGBTQ households report economic outcomes that are 2 times worse than heterosexual and cisgender peers, including food insecurity, unemployment, eviction, and difficulty paying for household expenses, with LGBTQ Americans of color suffering the greatest impact.

This past year, Out Leadership has championed 3 bills at the Federal level: H.R. 1187 on inclusive governance; H.R. 1443 on LGBTQ access to credit; and, of course, the Equality Act, which passed the House of Representatives earlier this year. And I want to take this opportunity to acknowledge the leadership of this committee and thank you for your work on this important bill.

But, on behalf of the members of Out Leadership and the entire business community, we advocate specifically for the following: First and foremost, the passage of the Equality Act. Without it, LGBTQ people will continue to be subject to State-level discrimination and the constant chipping away of Federal protections, even as we saw just last week from a Federal judge around Title IX.

Second, the expansion of diversity definitions for board diversity and disclosure mandates to be LGBTQ-exclusive and intersectional for all regulated entities and businesses in the United States. Currently, just 19 of the Fortune 500 companies include LGBTQ leaders in the definition of board diversity, and that has resulted in just 29 out board members, or half a percent of the entire Fortune 500.

Third, we advocate for the inclusion of data collection on the LGBTQ community and all Federal Government data collection surveys as we have just recently seen with the U.S. Census. If we count, we matter.

Fourth, a commitment to the freedom of religion, that does not include a religious right to discriminate.

And finally, the promotion of economic security and financial stability of LGBTQ people by fostering inclusive labor practices and workplace policies that include access to credit and capital.

Distinguished committee members, LGBTQ-inclusive diversity is just simply good for business: 25 years of research has shown us that companies with LGBTQ inclusive policies outperform their peers on every measure of success from increased engagement to decreased turnover to innovation to stock price. In a market economy, businesses must invest in activities that are in their economic best interests, and LGBTQ-inclusive diversity fits that bill.

There are clear economic consequences to discrimination as well, which is why 92 percent of the Fortune 500 already protect their LGBTQ employees, and thousands of U.S. companies have invested in equality, diversity, and inclusion.

But individual companies can only do so much. Structural challenges that remain must be addressed by the Federal Government and, importantly, this very committee. The patchwork of State laws across 29 States where LGBTQ Americans are not protected stands in the way of progress. I ask this committee to undertake this important work, and Out Leadership and our company stands ready to support you in it.

Thank you for the opportunity to appear today, and I look forward to your questions.

[The prepared statement of Mr. Sears can be found on page 36 of the appendix.]

Chairwoman BEATTY. Thank you so much, Mr. Sears, and all of the expert witnesses today. I cannot tell you how informative, how needed, and how impressive you all were in providing information to us.

And, with that said, I now recognize myself for 5 minutes for questions.

We have heard a lot about the exclusion and the impact as it relates to employment, as it relates to housing, as it relates to finances and a whole host of things. Earlier in my opening statement, I talked about being at the Metro High School. There was a young Black man who came up to me, whom I had mentored, and he shared his experiences over the last few years. And I want to thank him for his work, and thank him for his paper, and writing about how we are still dealing with racism and how we are still evaluating the efficacy of initiatives.

And let me share with everyone this quote. He said, "For example, financial support of the initiatives is not always present in the amount that is needed." And we heard that from you.

One of the most frequently-reported suggestions for better efficacy and equity is better and more commitment to financial support of the initiatives over a long period of time. We need to give more support to our topic today. And, hopefully, this is just opening the door.

With that, let me ask Mx. Watson, there are individuals in the LGBTQ+ community who feel alienated from accessing traditional financial services due to implicit and explicit biases from bank employees. Could you recommend some suggestions or practices that financial institutions can employ or create to be more inclusive?

Mx. WATSON. As you have mentioned, LGBTQ people, and particularly transgender and gender-nonconforming people, do experience harassing and insensitive treatment frequently from customer service representatives and from financial professionals when they seek financial services. And, in order to address that, I do think that it would behoove many financial firms and other professionals to engage in cultural competency training in order to increase their understanding and awareness of LGBTQ people's identities and how to provide sensitive and affirming services for them.

Chairwoman BEATTY. Thank you.

Ms. Walker, at the Federal level, there are no fair housing or credit protections based on sexual orientation or gender identity. Can you share with us if you have had any experiences with LGBTQ+ individuals [inaudible] due to the absence of these protections?

Ms. WALKER. Yes. Many trans people are denied because their name might not match their documents, and they can be refused housing for that. And most staff do not have cultural sensitivity training and are not prepared to meet with the transgender person. Some of the ignorance against transgender people is willful ignorance, and they misgender trans people, which I would consider hate speech. I think more ongoing cultural sensitivity training to handle TGNC customers would be appropriate. And also to change the documentation, change it in the computer. And it is very important to start collecting data on us. Currently, data is not being collected on the TGNCNB community.

Chairwoman BEATTY. Thank you, Ms. Walker.

Mr. Johns, there is a poll from the Human Rights Campaign which revealed that the COVID-19 pandemic positioned many LGBTQ+ individuals at a greater risk of being unemployed. Any comments on that?

Mr. JOHNS. Yes. We should be clear that Black people generally, and Black LGBTQIA people are most likely to be unemployed or underemployed or show up in spaces where we are exposed to the greatest level of risk. So, providing resources, including loan forgiveness and other forms of reparation and support, is incredibly important while we continue to work through the pandemic.

Chairwoman BEATTY. Thank you so much, and my time is up.

At this time, I would like to go to the gentlewoman from Missouri, Mrs. Wagner, who is now recognized for 5 minutes.

Mrs. WAGNER. I thank the Chair.

Mr. Sears, could you elaborate and tell me why access to credit is important in achieving economic freedom and prosperity? Just in general, before we set the table here.

Mr. SEARS. Sure. Thank you for the question, and thank you for your support of this work. I don't think 5 minutes is going to give us nearly enough time to adequately answer that question, unfortunately.

As my colleagues have noted, access to capital in our country is the underpinning of literally everything that moves our economy. If LGBTQ people can't have access to mortgages, we can't own homes. If we end up paying more on APR, as my colleague Spencer mentioned, we are literally being taken advantage of by the system.

And so, if we look at even the bill that is under discussion, it is about reporting. It is about making sure LGBTQ people are listed in that definition of diversity so that we can measure access to credit and housing, and how that impacts our economic outcomes.

Mrs. WAGNER. And, Mr. Sears, how can our financial institutions build relationships to foster financial literacy, for instance?

Mr. SEARS. Interestingly, they have been for many, many years. One of my favorite programs was at Merrill Lynch many years ago, called Investing Pays Off (IPO). That was started almost 25 years ago on the idea, actually, that Charlie Merrill, who was the founder of Merrill Lynch, started when he would write to widows of World War II veterans and offer advice for how they could invest in their pensions. And so, the opportunity for these financial institutions to expand what they have been doing for many years, I think is significant, and they actually are doing it.

If you look at Investing Pays Off for Merrill, or 10,000 Small Businesses from Goldman Sachs, there are significant investments these companies are making, but the challenge is that we don't have the numbers. We don't have the ability for these institutions to provide the access because we are not counted as an LGBTQ community. If Goldman wants to expand their 10,000 Small Businesses to focus on LGBTQ small businesses, the National Gay and Lesbian Chamber of Commerce is the only place they can go for that data. The Federal Government does not have that data. So, once we can actually count, then we can start to be a part of it, yes.

Mrs. WAGNER. I thank you for that statement, and that, then, kind of ties things up for Mx. Watson, because you talk, Mx. Watson, about data collection. And can you elaborate on that a little bit more, as Mr. Sears has just kind of teed up here?

Mx. WATSON. Yes. There is a significant information gap about LGBTQ people because there is inadequate data collection of sexual orientation and gender identity in Federal surveys. So, it is important for all of the data collections where we are examining economic well-being, but really just our communities overall, that we include questions that ask people about their gender identity and their sex as assigned at birth and their sexual orientation. And that would vastly improve our understanding of the unique circumstances that LGBTQ people experience.

And, also, it is important to include these in enforcement data collections, such as the Mortgage Disclosure Act or the forthcoming 1071 data collection for small businesses.

Mrs. WAGNER. Thank you.

And, Mr. Sears, what steps can financial institutions take to support the unbanked and underbanked communities? What are some of your thoughts in that arena?

Mr. SEARS. At the very least, looking at the policies. One of my colleagues mentioned that LGBTQ people are still excluded from so many policies. I would use HSBC Life as a great example. They rewrote the definition of insurable interest to expand that definition to include LGBTQ families, including in places like Asia where gay couples still have no relationship recognition.

And, if you look at the policies through every single of these financial institutions, there are significant opportunities to identify those exact same areas. If we are not counted in how these companies approach, then they are not going to be able to actually include us across-the-board.

Mrs. WAGNER. Right. Thank you very much. And thank you all for your testimony here today.

Madam Chairwoman, I will yield back the brief time that I have left. Thank you.

Chairwoman BEATTY. And thank you so much.

That was our Ranking Member, Congresswoman Ann Waters—Congresswoman Ann Wagner.

And I am saying, "Waters," because I now see that our Chair of the full Financial Services Committee is in the room. And so, at this time, it gives me great pleasure to yield to Chairwoman Waters.

Chairwoman WATERS. Thank you very much, Mrs. Beatty. I appreciate the opportunity.

And I just wanted to make clear that, in March of 2021, the Consumer Financial Protection Bureau (CFPB) issued an interpretive rule which clarified that the Equal Credit Opportunity Act (ECOA), which outlaws discrimination in lending and credit decisions, absolutely includes protections against sexual orientation discrimination and gender identity discrimination.

I just want to go further with a question about housing barriers. A large body of research, as I think has been indicated, demonstrates that discrimination threatens access to housing and the stability of individuals in the LGBTQ+ community. Members of the LGBTQ+ community are more likely to experience homelessness while enduring discrimination and harassment that extends their length of homelessness.

There are approximately 8,900 homeless youth in Los Angeles County identifying as LGBTQ. Transgender individuals in particular are at an increased risk for violence and discrimination, which keeps them from accessing necessary shelter and services. In April, HUD issued program guidance on supporting inclusive housing and shelters for transgender people, which includes using transgender-inclusive language, intervening in conflicts to promote safety, and holding staff and residents accountable for behavior within shelters.

I just want to go to a point of discussion that was not necessarily included in this discussion. And I don't think that, when our witnesses came today, they were asked to include any information about something that is happening in our society today as it relates to transgender. There is a discussion going on right now, a big discussion, and it is about, "The Closer," and it is about David Chappelle, and it is about a woman that we learned about who committed suicide after identifying and working with and opening a show that she had been invited to participate in by David Chappelle. And I have really sad thoughts about her. I think her name is Daphne, and it is Dorman, and I tear up when I think about her.

And, of course, David Chappelle is a brilliant comedian, and there is this discussion going on, and I am trying to listen to everything that has been said from the transgender community or from David Chappelle, on and on and on. I don't want to get into that today, but I don't want us to pretend that this is not going on and that we are only concerned about the housing and the homelessness and all of that. We are concerned about all of that, but we are also concerned about another kind of discussion that is going on.

And, while I am not going to ask any particular questions about it today, I would ask Ms. Tanya Asapansa-Johnson Walker to please give me a call, and I will arrange a meeting with myself and Mrs. Beatty, because I want to talk to you, and I want you to share with me what is going on, what you think, what you feel, and in what way we can show our concern.

With that, I yield back the balance of my time.

Chairwoman BEATTY. Thank you so much to Chairwoman Waters for extending that invitation. Again, thank you.

The gentleman from Ohio, Mr. Gonzalez, is now recognized for 5 minutes.

Mr. GONZALEZ OF OHIO. Thank you, Chairwoman Beatty and Ranking Member Wagner, for holding this hearing today, and thank you to our witnesses for joining us today. Thank you for sharing your stories, and how they have impacted not only your lives, but also the lives of the communities for whom you so passionately advocate. The work you continue to do to advocate for those in similar situations is admirable.

I think it is fair to say, I certainly hope so, that no one on this committee or subcommittee condones any sort of racism, hate, or discrimination. I believe that. I believe that people should not have to live in fear of any kind of violence being perpetrated toward them because of who they are.

Additionally, I want to extend my thanks to Ms. Walker. Veterans Day is coming up, and you served our country quite admirably. And I have always believed we owe our deepest [inaudible] big sacrifice and one for which we are grateful. So, I want to thank you for that.

In the United States, I think that all people should have access to economic opportunities to create a better future for themselves and their loved ones. That is one of my top priorities here in Congress and on this committee, is how do we empower more families, no matter what background you come from, to make sure that everybody has an opportunity for the American Dream.

I am the son of immigrants. My family, my father immigrated here from Cuba in the 1960s and certainly had to overcome barriers throughout his life, and we want to make sure on this committee that we eliminate as many of those barriers as humanly possible for everybody.

And, with that, I have proudly supported home ownership legislation as one of those initiatives. I have been supportive of legislation that would extend protections to people who are discriminated against based on sex or sexual orientation. No one should be denied housing access because of their sexual orientation or gender identity. I simply don't believe that is right. It is my hope that we can hear more on that topic and find effective bipartisan solutions where problems may exist.

Ms. Walker, I want to start with you. I think you mentioned as well in your testimony—you provided a list of ideas that HUD could implement to best benefit the LGBTQ+ community, particularly elders. One way was to provide guidance to community partners and share best practices. Could you detail for our committee just what some of that guidance could look like? And what are the best practices that you think would have the biggest impact for these communities?

Ms. WALKER. First of all, definitely, we need cultural sensitivity training for all staff and folks doing business with shelters. We need fully-staffed supportive housing with social workers, mental health professionals, and medical care on staff. We also need transitional and permanent housing to help address the needs of our community. So, we need wraparound services, I would say, in these shelters and in this transitional housing to adequately provide for the TGNCNB community at this point.

Mr. GONZALEZ OF OHIO. Just as a follow-up, on the sensitivity training side, I think that makes a lot of sense. My question is, when confronted with some of the challenges in the shelters with folks who may not be—they may not be making folks feel as welcome as they otherwise should—is it your belief that it is what I would call sort of accidental ignorance, like, “Hey, I just don’t know exactly what to say and do in this situation; I don’t want to be offensive, but I don’t really know?” Or do you think it is more willful discrimination or sort of a combo of both?

Ms. WALKER. I believe it is a combo of both, and a lack of cultural sensitivity training. I think, during COVID, trans people who were in the shelter were allowed to stay in their own room. I thought that was wonderful, and I like that model, and I think we should keep that model. Transgender people are not safe in single-sex shelters. I believe that if trans people are housed in their own rooms, it is safer for them.

And I think that they should have wraparound services in these shelters to help transgender folks succeed in society and not have to return to the shelter, but also to have life skills training available so they will learn how to balance a checkbook, how to do credit, how to do—

Chairwoman BEATTY. The gentleman’s time has expired, but thank you.

And I have a feeling we are going to be coming back and asking you a lot of questions again. Thank you.

And, with that, the gentlewoman from Michigan, Ms. Tlaib, is now recognized for 5 minutes.

Ms. TLAIB. [Inaudible] pathway to bring many of your lived experiences to Congress. It is very much missing here, and so I appreciate all of you so much for speaking this truth, again, that is missing in Congress.

I want to—give me some time to kind of go down some facts that I think are important. One fact is that an average of only about 49 percent of LGBTQ+ Americans own a home, which is far less than the overall average, which I think is 64 percent. These stats are even lower for LGBTQ+ people of color: 35 percent for LGBTQ Latino Americans; and 30 percent for LGBTQ Black Americans.

Another fact which I think is really dramatic is that LGBTQ+ couples are 73 percent more likely to be denied residential mortgages compared to their peers, which I know Chairwoman Waters wants to hear about.

The other fact is the National Transgender Discrimination Survey found that among transgender individuals of color, 56 percent of Native Americans, 52 percent of Black folks, and 51 percent of Latinx respondents moved into a less desirable home or apartment because of anti-transgender bias forced on them again, even though they could have had, and wanted, better housing.

These are just a few of countless statistics that I think are really important. I hate [inaudible] statistics, but this is lived experiences, real lives. But, as you can all see, and for many of my colleagues, housing discrimination against our LGBTQ Americans is a major crisis in our country. Three years ago, in Michigan, a person could actually be fired from their job simply because of whom they love. Fortunately, Governor Whitmer eliminated that gross

civil rights violation, but it shows just how prevalent these discriminatory laws remain in modern times.

Ms. Walker, first of all, I cannot stress to you how much you are inspiring so many who are incredibly excited that you are testifying before our subcommittee. And so, I wanted to leave some time for you, as well as others on the panel, to really talk about things that we didn't ask you about, really, the trauma that comes with living as you are in our country, and how do you think we should be addressing it in Congress?

Mr. JOHNS. If I may, I want to lift up two things.

I thank you for those comments, Representative Tlaib. One is, to my Congresswoman Maxine Waters, thank you for your leadership. I want to include a section in our testimony describing the silent epidemic of violence that our trans siblings are facing, which is often hidden in the shadows of the violence that Black people are facing more generally. I have already reached out to Chastity, but I welcome the opportunity to further that discussion as well.

And then, very much related to the previous conversation about the challenges with shelters, I want to offer up two things that are potential remedies that would prevent people from needing shelter, and one is decriminalizing sex work. It is often the case that Black trans folks, in particular Black trans women, are forced into sex work as a result of not being able to show up or be offered job interviews or promotion opportunities or support in more traditional economies, and so we should have more meaningful conversations at the Federal level about decriminalizing that work.

And very much related to that, there are a number of Black LGBTQIA+ folks who also face economic hardship as a result of cannabis use or distribution. So, decriminalizing cannabis is also something that should be considered as we have these holistic conversations.

Ms. TLAIB. If no one else on the panel has more to share, I will yield back to the Chair.

Chairwoman BEATTY. Thank you so much for your comments, and thank you to the witnesses for responding.

Ranking Member Wagner, do you have any more Republican Members in the queue?

Mrs. WAGNER. Not on yet, but I will let you proceed through your ranks, and we will see who joins.

Chairwoman BEATTY. Okay. Thank you so much.

The gentlewoman from Pennsylvania, Ms. Dean, is now recognized for 5 minutes.

Ms. DEAN. Thank you, Chairwoman Beatty. Thank you very much, and thank you to those who have come today to offer your powerful testimony.

I have been thinking a lot about small businesses. I represent suburban Philadelphia, Montgomery and Berks Counties right outside of Philadelphia. Building a small business is the dream of many Americans, and I am particularly interested in, what are the obstacles that LGBTQ+ small business owners and entrepreneurs face in engaging the financial system?

Maybe, Mr. Sears, I could start with you and then maybe go to Mr. Johns?

Mr. SEARS. Sure. Thank you for that question, and thank you for the work that you are doing in Philadelphia. I know my friend and colleague, Brian Sims, is doing a lot of great work in the State as well. So, I want to thank you for that support.

Ms. DEAN. Yes, in the Pennsylvania House of Representatives.

Mr. SEARS. He is quite a tremendous leader in our community and in your State.

So, to your question, I would say several things. I think if you look at the number of—I will take it out of LGBTQ for a second—minorities in the United States start more businesses at a rate that is almost double that of the average population, and why is that? Because of discrimination that still exists in the corporate America structure, despite the fact that 92 percent of Fortune 500 companies have nondiscrimination policies, we all live and work in States that don't actually have that as a trickle down. So, even the trailing spouses of people who are protected by the Fortune 500 do not experience that same protection in the State in which they live. So, the reason for the small businesses, I think, is based on that.

Then, when they get into the marketplace, you look at the access to discrimination that still exists from religious-based discrimination all the way through to refusal-of-service laws that still allow people to deny service and to deny credit and access to people based on, "sincerely held religious beliefs." And that is something that we have not talked about in this committee yet, but I do think the religious right to discriminate has to be addressed by this committee. It is not directly related as a financial services, "issue," but it is the single-largest reason LGBTQ people experience discrimination in our country, and it is a false choice that we have created.

Over half of LGBTQ Americans consider themselves religious. It is not pitting religion against LGBTQ people, but it has an impact on small businesses. It has an impact on discrimination. It has an impact on the laws that Chairwoman Waters mentioned and the transgender community. There were 131 anti-trans bills in 31 State legislatures in our United States in the last 12 months. They were driven by religious animus, marginalizing and demonizing the most-vulnerable of our communities primarily because these young people want to play a sport. So, the opportunity for us at the small-business level all the way through the Fortune 500 to eradicate this discrimination, I think is significant.

Ms. DEAN. I appreciate that.

Mr. Johns, did you want to add to that? And I am interested if you could address, maybe, the problem of accessing capital.

Mr. JOHNS. Yes, ma'am. I will say three things related to that, and I want to just underscore everything that my colleague said. One, I mentioned a little bit about it in the testimony, but when I think about the experience that our deputy director had with regard to accessing capital for a home loan, often the discrimination and the ability for the financial services provider or the institution to make decisions about capital are—it is the challenge, right? It is about a person sitting across the desk from another person or, virtually, when we think about COVID, making a determination based on things outside of their financial portfolio, the things that they can otherwise control. And the one thing that I think is most important in this context, acknowledging the point that Chair-

woman Waters made about the March CFPB guidance, is that there is no private right of action. And what we know is that often, members of our community are discriminated against. We are denied access to capital. We are seldom given actual meaningful reasons for that, and there is no private recourse or private right of action once that happens to members of our community.

And so, passing the Equality Act, as it has been passed in the House, would address that, and ensuring that future civil rights legislation includes a private right of action would also help to address moments when financial services providers and institutions fail to do the thing that they otherwise should be doing.

Ms. DEAN. Thank you for all of that important information. And, finally, Ms. Walker, I will address this to you. I read a very shameful statistic. According to our Philadelphia Inquirer, 40 percent or more of people ages 18 to 26 in Philadelphia—which is my neighboring district, and it is my home City—who experience homelessness identify as LGBTQ. Think about that: 40 percent of homeless youth are LGBTQ. What a shameful statistic for our country.

Ms. Walker, what are the best practices for assisting LGBTQ+ youth to become connected to permanent housing?

Ms. WALKER. First of all, we need to meet the youth where they are. I have worked with Housing Works here in New York City, and we used a harm reduction approach to meeting with the youth. And, also, we need shelters and transitional and permanent housing with wraparound services in these shelters and in this transitional housing to support these youth to make sure they are getting their nutrition, and they are getting their education—

Ms. DEAN. I apologize. My time has expired, so I yield back, but I would love to get more information from you offline.

Ms. WALKER. Thank you.

Chairwoman BEATTY. Again, to the witness, thank you. You are going to be very popular, as well as the other witnesses with us today, but the gentlelady's time has expired.

And now, the gentlewoman from Texas, Ms. Garcia, who is also the Vice Chair of our Subcommittee on Diversity and Inclusion, is now recognized for 5 minutes.

Ms. GARCIA OF TEXAS. Thank you, Madam Chairwoman, and thank you for bringing our attention to this very important hearing. And I first want to start by also congratulating and thanking Ms. Walker for her years of service. I know Veterans Day is not until later this week, but Happy Veterans Day, and thank you for your service. And I hope that you completed that social work school, because my first degree was in social work, so I hope that you finished. But if not, there is still time. We are really LGBTQ-friendly in Houston. So, come on down.

This has been a very interesting discussion this morning because we know that the difficulties the LGBTQ community faces are not discussed often enough. So thank you, again, Madam Chairwoman, for underscoring and highlighting this very important issue. Their struggles and how they are treated are legitimate. We need to focus on them and make sure that they truly do have the economic freedom to build their wealth, to build their homes, and, as stated by the ranking member, to have the economic freedom that we should have for all Americans.

Of course, all of this is compounded when they coincide with other barriers like race, ethnicity, and age, to name a few. LGBTQ+ people are more likely to be underbanked and thus are more likely to experience barriers to credit access. I have said before that access to credit is access to building wealth, and, in turn, this lack of access is deeply concerning.

I want to start with Mr. Sears. Mr. Sears, a 2020 report by Equality Texas found that nondiscrimination protections would result in the addition of hundreds of thousands of new jobs and millions of dollars added to the GDP and tax receipts. I think you kind of alluded to that when you mentioned it, and I was really surprised. You said that one-third of LGBTQ+ workers will take a one-third pay cut to go to a friendlier State. Is the reverse true? With Texas passing a really horrible anti-trans bill this last session, can we expect people to leave the State because we are now becoming more and more unfriendly?

Mr. SEARS. The short answer is yes, absolutely. I have just spent this last week in California meeting with leaders in the tech community, and the Texas bill, in particular—and there are eight other States that have passed anti-trans bills specifically around youth—those bills specifically came up in the tech community in terms of expansion into Texas.

As we saw in North Carolina, when HB2 passed, so many, whether it is PayPal or Salesforce, so many companies decided not to invest in North Carolina. Our leadership actually convened an investor statement at that time that was replicated in Texas. We had almost \$4 billion worth of assets that were invested in North Carolina, and \$6 billion that were invested in Texas, which said that discriminatory policies of both North Carolina and Texas around trans people increased the risk in the marketplace and decreased the return on the assets invested in those States. So, there is a direct return on investment for equality, and there is a direct economic consequence to discrimination.

So the short answer is yes, absolutely. Companies pay attention to this significantly, because their youth, especially Gen Z and Gen Y, won't stand for it. They will not come to companies that are not LGBTQ-inclusive. And, if those companies are based in States that are LGBTQ-unfriendly, which so many States increasingly are, it is an economic problem.

Ms. GARCIA OF TEXAS. So there is a benefit, but there is also, I don't want to say a penalty, but I guess it is. I think that is why it is so important to highlight these issues.

My next question now is for Mr. Watson. You do important work on addressing the barriers that your community faces every day. Can you speak to the issues that are created where the financial services industry is not actively measuring, quantifying, and targeting relief to the LGBTQ community?

Mr. WATSON. Thank you. I do think that the lack of attention that financial firms are paying to the LGBTQ community and the unique issues that they experience, are largely because the financial services industry, as we know, is very traditional and is frequently relying on systems that were designed with heterosexual, cisgender, and heteronormative assumptions in mind. And so, those systems are less able to process the unique needs of LGBTQ people

and to accommodate things such as name changes or to recognize people who are of nonnormative genders.

Chairwoman BEATTY. I'm sorry, the gentlelady's time is up.

But thank you very much to the witness, and thank you to our Vice Chair Garcia.

The gentleman from Massachusetts, Mr. Auchincloss, who is also the Vice Chair of the Full Committee on Financial Services, is now recognized for 5 minutes.

Mr. AUCHINCLOSS. Thank you, Madam Chairwoman.

Mr. Johns, my question is for you, on housing. A study by HUD in 2013 measured the treatment of same-sex couples that they received from rental agents when inquiring about apartments advertised online as compared to how otherwise similar heterosexual couples are treated. And the study, which was the first time that HUD had ever studied things like housing discrimination, found that same-sex couples received a lower response rate when searching for an apartment than heterosexual couples using identical emails, trying to keep all variables the same except for the sexual orientation of the couple.

The Financial Services Committee has had several hearings regarding the importance of housing for employment, health, and education for young people. This has been an issue on which both the chairwoman of the subcommittee and, of course, the chairwoman of the overall committee have been really outspoken leaders. How has HUD worked to remedy the discrimination unveiled by this 2013 study, and has the agency continued to track any rental housing bias for same-sex couples?

Mr. JOHNS. I appreciate that. To your first question, what has been done, there are two things. One is the provision of housing vouchers and otherwise subsidies for housing programs for homeless and low-income people. They have not been targeted with regard to LGBTQIA+ folks. That is a particular issue when we think about the comment that Chairwoman Maxine Waters offered acknowledging that a disproportionate share of youth were homeless, and the child welfare agency identify as are assumed to be LGBTQIA+. And so, I think that is the first part of your question.

The second part of your question, if I understood it correctly, is has there been accountability around those actions? Was that it?

Mr. AUCHINCLOSS. Well, accountability, but also, has HUD, to your knowledge, continued to track any type of bias either in rental or actually really in homeowner sales to same-sex couples?

Mr. JOHNS. I do not have the answer to that question, but I will work with our deputy director to circle back and make sure that we provide you with one. What we do know is that—and I think this comment was made earlier by Mx. Watson—there are very few, if any, Federal data collection enterprises that account for intersexual identities. And most surveys—and I make this point in my formal testimony—will ask about race or ethnicity with regard to engaging with public institutions like banks or schools but will not then ask questions about sexual identity, gender orientation, or expression.

And then, the converse is true when you think about the CDC or the NIH. They might ask questions that include sexual health and wellness, but they will not ask questions that also account for

race and ethnicity. The point here is that we should think more meaningfully about Federal data collection and reporting efforts that are not only centering on intersectionality but that are also interoperable.

Mr. AUCHINCLOSS. I appreciate that response.

And I want to give anybody else on the panel an opportunity to weigh in on housing discrimination against the LGBTQIA community.

Madam Chairwoman, I yield back the balance of my time.

Chairwoman BEATTY. Thank you so much to our Vice Chair.

And let me say thank you to all of our witnesses today, and also to the Chair of the full Financial Services Committee for joining us for this hearing.

Ranking Member Wagner, we have exhausted all of our Members, so if you have no other Members coming, in accordance with our rules, I can thank our witnesses and adjourn the hearing.

Mrs. WAGNER. I thank all of our witnesses. It has been most informative. I look forward to things as we move forward, and I know that we will continue the dialogues that we have begun here today.

So, I thank you, Madam Chairwoman, and I yield back.

Chairwoman BEATTY. Thank you.

And, again, we thank the witnesses. And I can tell you, by the questions from both sides of the aisle, we have a lot more that we want to hear from you. And, again, for this first-ever Diversity and Inclusion Subcommittee, we are thankful for you in helping us grow.

The Chair notes that some Members may have additional questions for these witnesses, which they may wish to submit in writing. Without objection, the hearing record will remain open for 5 legislative days for Members to submit written questions to these witnesses and to place their responses in the record. Also, without objection, Members will have 5 legislative days to submit extraneous materials to the Chair for inclusion in the record.

Also, without objection, I would like to enter statements from the Credit Union National Association and the Human Rights Campaign into the record.

Without objection, it is so ordered.

The hearing is now adjourned.

[Whereupon, at 1:22 p.m., the hearing was adjourned.]

A P P E N D I X

November 9, 2021

Written Statement of David J. Johns
Executive Director, National Black Justice Coalition
To the Subcommittee on Diversity and Inclusion
Committee on Financial Services
“There's No Pride in Prejudice: Eliminating Barriers to Full Economic Inclusion
for the LGBTQ Community”
November 9, 2021

Dear Chairwoman Joyce Beatty, Ranking Member Ann Wagner, and Members of the Subcommittee:

Thank you for the opportunity to submit written testimony for the legislative record of this hearing entitled “There's No Pride in Prejudice: Eliminating Barriers to Full Economic Inclusion for the LGBTQ Community.” I write to urge each distinguished United States Representative serving on the House Financial Services Committee to do all you can to ensure all of us have equal and equitable access to economic opportunity and inclusion in our nation.

It is frequently said that when white America catches a cold, Black America contracts pneumonia. If there is one thing I want this committee to hear me say is that while the beautifully diverse Black community is burdened by the problems caused by racism, Black people with intersectional identities, specifically Black people stigmatized as a result of our racial *and* sexual identities, gender orientations, and gender expressions are often confronted with additional, nuanced challenges too often neglected and ignored. 2021 is on track to become the deadliest year in history for violence against Black transgender individuals, and Black trans, queer, and non-binary/non-conforming people find themselves at the intersection of multiple forms of discrimination resulting from anti-Blackness and anti-LGBTQ+ sentiments that manifest in a higher incidence of police interactions¹, workplace discrimination², and large-scale economic challenges³. I applaud you for your desire to better understand the economics of intersectionality by holding this critical hearing.

My name is Mr. David J. Johns, and I honor serving as the Executive Director of the National Black Justice Coalition (NBJC). NBJC is the nation’s most preeminent civil rights organization focused on empowering Black lesbian, gay, bisexual, transgender,

¹ <https://www.them.us/story/black-lgbtq-men-police-discrimination-health-effects>

² <https://legacy.npr.org/documents/2017/nov/npr-discrimination-lgbtq-final.pdf>

³ <https://www.urban.org/urban-wire/covid-19-action-centers-black-lgbtq-people-can-address-housing-inequities>

queer+ and same-gender-loving (LGBTQ+/SGL) people, families, and communities. I am a proud, Black, same-gender-loving man from Inglewood, California, currently living in the nation's capital. As the quarterback of the team at NBJC, I have had the opportunity to meet and collaborate with members of the Black LGBTQ+/SGL community from across the country. Listening to the stories of their exclusion from the American Dream, despite continuing to labor to build this country, has left me even more committed to the work of justice, equity, and liberation for all of us—especially the most marginalized among us. I am reminded of the labor my ancestors poured into this very institution, one brick clad in sandstone at a time. It was inconceivable to many of them that we would ever represent our community inside the building we built with our blood, sweat, tears, trauma, and pain—forced and for free. The conversation around income inequality and economic exclusion for Black people, families, and communities begins with the legacy of Slavery but did not end there. Our nation has failed to adequately acknowledge and repair the damage done to Black people and families over our centuries in the United States—and currently fails to recognize the combination of identities that make up the Black community in ways that would assist in bridging the economic and wealth gaps.

According to the Center for American Progress, nearly 1 in 3 Black trans, queer, non-binary/non-conforming people report avoiding public spaces such as stores or restaurants to avoid experiencing discrimination; 2 in 5 have moved away from family to prevent discriminatory experiences, and; 1 in 5 avoid travel. We are also more likely than our white counterparts to experience discrimination within LGBTQ+ spaces.⁴ While we occupy communities throughout the country, most Black trans, queer, and non-binary/non-conforming people are disproportionately concentrated with other Black people. In addition to small, rural, and isolated communities, we live in coastal communities and in the South, where it is still legal to discriminate against us.

Annually, NBJC hosts our Black Institute as a part of Creating Change, the nation's largest convening of trans, queer, non-binary, and non-conforming/non-binary advocates. This year's Black Institute was virtual and yielded one of our largest Institutes. Many of the stories shared by your constituents were heartbreaking. A unifying thread tethering together the stories shared at the Black Institute is that because of our intersectional identities, not to any fault of our own, Black LGBTQ+/SGL people face challenges accessing the experiences and opportunities required to be economically secure in the United States, and these challenges show up in our lives early.

⁴ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5846479/>

Investing in School & Community Support for Black LGBTQ+/SGL students

Nearly all of the 200 attendees shared stories of advocating for access to opportunities in their early years as public school students. These stories have informed the work of NBJC as well as the focus of my doctoral research. My dissertation, titled “By Any Means Necessary: Supporting the Learning & Development of Black LGBTQ+/SGL Public School Students in the United States,” is a response to the lack of attention paid to the experiences, contributions, and needs of Black queer, trans, and non-binary/non-conforming public elementary and high school students. The dissertation also calls for increased investments in school- and community- based support for Black LGBTQ+/SGL students and national, interoperable data sets that acknowledge that many of us have intersectional identities that shape how we experience public institutions like schools in powerful ways. The most extensive national, public datasets used to inform conversations about and investments in public schools do not ask questions about students' sexual orientation, gender identity, or gender expression—missing critical opportunities to better understand the experiences of Black trans students with disabilities for example. Conversely, health-based data sets that may ask school-age children questions about sexual health and wellness do not ask students about their experiences with public institutions like schools. Siloed approaches to understanding and seeking to support students results in failed opportunities to close enduring gaps. These failures also help to explain the Black/white achievement and opportunity gaps.

Both Black Institute attendees and students I have engaged through my research, paint vivid pictures of being denied access to opportunities early—to no fault of their own. Given that public students who identify as or are assumed to be trans, queer, and non-binary/non-conforming do not have the same protections as their non-trans, non-queer, and non-binary/non-conforming peers, we should not be surprised by this phenomenon.

I often think about Hope,⁵ an Afro-Latinx trans student who describes her middle and high school years as “treacherous.” While many of us recall adolescence fondly and with a smile, Hope’s reflections include stories of being deadnamed by teachers who demanded that she perform labor not required of her non-trans, non-Afro-Latinx peers. For example, when she was beaten in a school hallway by three male-identified classmates, surrounded by peers who laughed at the sight of blood painting her face and the floor, she was suspended and told **she** could prevent the abuse by changing her identity. As a former classroom teacher, I know that students cannot demonstrate what they know or have learned if they do not feel safe. We know, based on data NBJC collected with our colleagues at the GLSEN, that Black trans, queer, and

⁵ Hope is a pseudonym to protect their confidentiality

non-binary/non-conforming students find schools to be hostile and unwelcoming spaces, which often results in them being failing to develop the skills, experiences, and relationships needed to be successful in both schools and life.⁶

What is important to note here is that much of what I have described thus far impacts Black students, generally. Public schools in the United States are not designed to support the positive, holistic development of Black students, which is reflected in the data on educational output since such data has been collected. In addition, the lack of data collected on (and more significant challenges with language and stigma concerning) sexual orientation, gender identity, and gender expression in surveys makes it challenging to determine the number of Black LGBTQ+/SGL students (and adults) or to explore the diversity of experiences within the Black community. More inclusive data allows lawmakers, educators, and administrators to identify best solutions that remove the barriers to equity and ensure that every student (and adult) has the skills, relationships, experiences, and credentials needed to be self-sufficient and a full participant in social, political, and economic economies.

Addressing Housing and Other Economic Inequities for Black LGBTQ+SGL People, Communities, and Families

As you know, schools are essential for preserving democracy and what happens to students in schools has a profound impact on life opportunities and outcomes. Reports from Urban Institute describe how economic inequality shows up in adolescent years when Black LGBTQ+/SGL youth are forced to begin their journey into adulthood early. As a result of familial and social rejection based on gender identity, gender expression, and sexual orientation, LGBTQ+ young adults are at more than double the risk of homelessness compared to non-LGBTQ+ peers. An estimated one in three youth in foster care and 40 percent of youth experiencing homelessness identify as LGBTQ+. Black LGBTQ+/SGL youth are significantly overrepresented among both LGBTQ+ homeless and foster youth. Young people experiencing housing instability are less likely to successfully attain secondary and post-secondary certificates, credentials, and degrees, making it difficult to find success as an entrepreneur or obtain a good job—one with family-sustaining wages and opportunities for advancement, at a minimum.

Employment discrimination is one of the many tactics used to deny Black people and families the opportunity to build wealth in America. Black people with multiple marginalized identities, such as Black LGBTQ+/SGL, disabled, immigrant, and poor, experience discrimination at even higher levels.

⁶ Erasure and Resilience, <https://nbcj.org/wp-content/uploads/2020/11/Erasure-and-Resilience-Black-2020.pdf>

Studies affirm that employers are less likely to reach out to candidates *they perceive* to be trans, queer, or non-binary/non-conforming candidates for interviews⁷. In addition to the discrimination we face due to race, Black LGBTQ+/SGL people are often paid less for doing the same job and given fewer job opportunities than our non-Black, non-LGBTQ+ counterparts.⁸

At the Black Institute 2021, members of our community described being denied interviews, being laid off or let go, and being denied promotion opportunities. Many question how much the discrimination they experienced resulted from their racial/cultural attributes or their sexual orientation, gender identity, or gender expression. Black same-gender loving and bisexual women shared stories of discrimination resulting from hairstyles, the pitch of their voices, gender presentation, and stereotypes about “attitudes”. Tiffany⁹ shared a story about being written up for lack of professionalism after having her hair freshly twisted only to see her non-Black colleagues celebrated for unsuccessfully attempting similar hairstyles. When discrimination **only** occurs due to race, gender, sexual orientation, or gender identity (thanks to the recent United States Supreme Court *Bostock* decision), filing an EEOC claim is an option; however, when one experiences employment discrimination based on both race **and** sexual orientation or more, the pathway to a federal legal remedy for the harm done is more complicated, if plausible at all.¹⁰ We must close the legal loophole created by not protecting people discriminated against due to marginalized intersectional identities. Obtaining and maintaining a job is fundamental to consistently feeding, clothing, and housing oneself and one’s family. Employment should not be made unattainable based on the prejudices and biases of employers.

I thank those of you who voted for the Equality Act. Once codified, the Equality Act will aid in addressing this legal loophole. To support this process, I ask you to continue applying pressure to your Senate colleagues to ensure this critical bill makes its way to the president's desk.

The Equality Act is also important when considering how homeownership and housing stability facilitate economic stability in the United States. More than half of states throughout the country still lack laws that explicitly ban housing discrimination against

⁷ <https://gap.hks.harvard.edu/discrimination-against-queer-women-us-workforce-resume-audit-study>

⁸

<https://www.americanprogress.org/issues/economy/reports/2019/12/05/478150/african-americans-face-systematic-obstacles-getting-good-jobs/>

⁹ Tiffany is a pseudonym to protect their confidentiality

¹⁰ Protected classes and protected locations are different across states and localities and most do not include intersectional protections. The Biden-Harris administration is currently interpreting existing civil rights laws to include intersectional protections, but this can be changed depending on the administration and federal courts.

LGBTQ+ Americans. LGBTQ+ individuals often face discrimination when working with real estate agents, when requesting loans for housing, and when seeking shelter while experiencing homelessness. For instance, 44 percent of LGBTQ+ people of color report that bias has affected their ability to rent or purchase a home to some degree, while only 32 percent of white LGBTQ+ respondents said the same. Additionally, 26 percent of LGBTQ+ people of color report experiencing discrimination in an apartment community, while 14 percent of white LGBTQ+ respondents reported the same. *According to the Center for American Progress*, the combination of race, sexual orientation, and gender identity exacerbate housing discrimination for Black LGBTQ+/SGL people.

NBJC's Deputy Executive Director, Victoria Kirby York, experienced housing discrimination when moving from Florida to Maryland. After meeting with a realtor to tour a condo in Gaithersburg, Maryland, they were assured the apartment was available and possessed the qualifying credit score. During the post-tour conversations, the two women referenced each other as spouses, which made it clear to the realtor that they were not friends splitting the rent. The realtor immediately ceased conversations between the property owner and the couple. After that painful experience, Victoria and her wife, a homelessness prevention social worker, decided to purchase a home. During their housing search, the couple received dramatically different home mortgage interest rates from banks.

As you know, an APR of 4.25% versus 3.25% makes a significant difference in how much an FHA loan will cost after 30 years. Their credit score and financial situations did not change during this process—only the person and institution processing their applications. The Equality Act would provide a federal remedy for couples like the Yorks and single members of our community seeking housing security and stability. While protected based on race exist, federal law does not explicitly protect same-gender loving couples or spouses from housing discrimination.

It is also worth noting that in addition to Black LGBTQ+/SGL people being less likely to own a home, we are also more likely to experience food insecurity and discrimination from housing institutions.¹¹

People denied access to learn and develop in schools they must attend face more challenges in accessing stable, supportive, and affordable housing, making it hard to find and advance in a good job or thrive as an entrepreneur. Poverty and toxic stress caused by housing, food, and employment instability and insecurity increase the

¹¹ <https://www.pnas.org/content/116/19/9293>

likelihood of significant physical, mental, and emotional challenges. We have witnessed this sequence of actions cripple communities for generations. I hope to contribute to the record a clear understanding that all of this is exacerbated when Black LGBTQ+/SGL people are healing from religious trauma or the damage done by the American Psychological Association contributing to racism, homophobia, transphobia, and related systemic inequalities,¹² or the vestiges of transatlantic enslavement. Leveling the playing field to ensure that every American has the opportunity is essential to preserving our democracy and is especially important for Black LGBTQ+/SGL people, communities, and families who disproportionately struggle economically, often to no fault of their own.

Data from a 2020 Center for American Progress survey shows that 33 percent of Black LGBTQ+ individuals reported experiencing discrimination in the previous year and that discrimination had a significant impact on their lives and everyday experiences. We are more likely to experience poverty than both our white LGBTQ+ and non-LGBTQ+ counterparts. Twenty-six percent of Black LGBTQ+/SGL people reported receiving assistance from the Supplemental Nutrition Assistance Program (SNAP) in the past year; 20 percent of white LGBTQ+ respondents said the same.¹³ Twenty-four percent of Black LGBTQ+/SGL people reported that they avoided getting necessary services for themselves or their families to prevent discrimination; 17 percent of white LGBTQ+ respondents said the same.¹⁴

While facing compounded challenges, without targeted support, Black LGBTQ+/SGL people raise children and care for aging and elderly members of our families at higher rates than our white LGBTQ+ counterparts. The proportion of LGBTQ+ people raising children is likely to increase over time as younger generations of LGBTQ+ people are even more likely to be heading to or want a family. In a 2018 survey commissioned by the Family Equality Council, 77% of LGBTQ+ Millennials reported already being a parent or considering having children, representing a 44% increase over LGBTQ+ in older generations. Black LGBTQ+/SGL people are also more likely to experience hiring bias, on-the-job discrimination, unequal pay, benefits, and taxation, which can make family planning or management especially difficult, if plausible at all.

I often think about the decisions that some Black trans, queer, and non-binary people make daily, often forced to prioritize safety over simply being. At this moment, I am

¹² <https://www.apa.org/about/policy/racism-apology>

¹³ <https://www.americanprogress.org/issues/lgbtq-rights/news/2021/07/13/501484/black-lgbtq-individuals-experience-heightened-levels-discrimination/>

¹⁴ <https://www.americanprogress.org/issues/lgbtq-rights/news/2021/07/13/501484/black-lgbtq-individuals-experience-heightened-levels-discrimination/>

thankful for a job that while it sometimes invites strangers to think they have the power to approve of how God purposed for me to show up in the world or issue death threats in response to advocacy centered on ensuring that all Black people can be treated fairly and without prejudice, I do not have to consider interviewing with nails this nicely manicured.

I am only partially joking. I have been kicked out of rideshares after refusing to answer questions about my painted nails or male companion. Before the recent Bostock decision and the coronavirus pandemic, I worried about placing pictures of my male friends on my desk, at work, for fear that supervisors might assume they were my partners, which could invite further challenges or erect additional barriers to my success and safety. I celebrate that there has been considerable progress in the time since I first began my career on Capitol Hill as a Congressional Black Caucus Fellow working with Congressman Rangel (D-NY), in 2006; this hearing is evidence of movement in the right direction; however, much more must be done.

Black Trans Lives Matter and Deserve Economic Opportunities and Supports

The combination of race, gender identity, and gender expression discrimination is magnified in the lives of Black transgender people in the United States. According to the 2015 US Transgender Survey¹⁵, Black transgender people face the most severe economic and housing effects among LGBTQ+ communities:

- Twenty percent were unemployed, twice the rate among Black people in the general US population and four times the rate of the general US population.
- Thirty percent were experiencing poverty, more than three times the rate of the general U.S. population.
- Forty-two percent had experienced homelessness in their lives, compared with 30 percent in the overall sample.
- Twenty-two percent had experienced homelessness in the past year, specifically because they are transgender.
- Forty percent experienced some form of housing discrimination or instability, including eviction or being denied a home or apartment because they are transgender.

Our Black trans siblings are experiencing a silent epidemic of violence in the shadows of an enduring legacy of violence against Black people. We need more intra-community conversations about the diversity that has always existed within our community, and we need more elected and appointed leaders to stand against the policy violence enacted in legislation targeting trans children—denying them access to the clubs, sports, and experiences we celebrate as required for holistic development—or fundamentally changing the relationship between patients, their families, and medical providers. The

¹⁵ <https://transequality.org/sites/default/files/docs/usts/USTS-Black-Respondents-Report.pdf>

same is true for state elected officials to refer to our babies as “trash”¹⁶ when not a single one of them asked to be born or to be burdened by the weight of social and political constructs constituted without their consultation.

I hope that somewhere in between these words, I have made clear the need to eliminate barriers to full economic inclusion for Black trans, queer, and non-binary/non-conforming people in ways that are often ignored when the needs of the larger (white) LGBTQ+ community are considered. To advance the conversation and for policy consideration, please consider the following recommendations to make economic opportunity accessible for everyone in our country:

- Encourage and support your United States Senate colleagues to pass the Equality Act, which would modernize our nation’s civil rights laws and make them more inclusive - adding sexual orientation and gender identity to existing federal protections.
- Add “socioeconomic class” and “source of income” discrimination protections in existing and future federal civil rights laws. Adding “source of income” to our nation’s civil rights laws would compel property owners to treat housing vouchers for low-income people the same as they treat cash, reducing discrimination against those living in poverty as they seek housing. People living in poverty, including those who are houseless, experience discrimination due to their socioeconomic status in education, healthcare, the criminal justice system, and more with no legal remedy.

Nearly 40% of Black LGBTQ+ adults have a household income below \$24,000 per year, according to UCLA School of Law’s [Williams Institute](#). Adding “source of income” and “socioeconomic status” to our nation’s civil and human rights laws would restore dignity and access to opportunity for the members of the Black LGBTQ+/SGL community most at the margins.

- Codify legal remedy for discrimination resulting from combined identities (e.g., Black and LGBTQ+/SGL).
 - Ensure that civil rights legislative language for publicly funded programs is expansive and explicit enough to allow victims to seek legal remedy in the wake of discriminatory interactions with police, ICE, and other criminal justice personnel (i.e., probation officers).
 - Mitigate the stigma of prior convictions by codifying “Ban the Box” provisions to prohibit federal contractors and employers from asking about prior convictions on job applications and requiring them to evaluate an applicant’s qualifications before conducting a background check.
- Fund federally supported survey collection that considers both race/ethnicity and sexual orientation, gender identity, and gender expression, along with the ability

¹⁶ <https://nbjic.org/nbjic-condemns-nc-lt-governor-anti-lgbtq-remarks/>

to quickly filter data to identify essential intersections--combinations of identities that might be experiencing increased harm or distress. The Census Bureau's Pulse Survey, which tracks the coronavirus pandemic's impact on people in the United States, collects data on sexual orientation and gender identity. This data helps us better understand experiences and address disparities.

- Pass the Economic Justice Act to provide critical investments in childcare, community healthcare, jobs, entrepreneurship, infrastructure improvements at HBCUs in predominantly Black communities, homeownership, Medicaid expansion, address maternal mortality rates, and offer renter and low-income housing tax credits to address historical and systemic discrimination against Black people in America.
- Pass the federal Safe Schools Improvement Act and the Student Non-Discrimination Act to reduce school discrimination and bullying.
- Increase funding for informal education/out-of-school programs and activities that specifically support the positive, holistic learning and development of Black LGBTQ+/SGL students and other students with intersectional identities.
- Increase support for professional development for school staff and youth workers that addresses the intersections of identities and experiences of Black LGBTQ+/SGL students.
- Increase student access to curricular resources that include diverse and positive representations of Black, LGBTQ+, and Black LGBTQ+/SGL people, histories, and events.
- Increase government employment opportunities through targeted recruitment efforts at congressional district-hosted job fairs, where applicable, and commitment to anti-racist, nonbiased hiring, training, and support processes.
- Decriminalize and legalize sex work and cannabis, along with retroactive expunging of records. Both prohibitions have a disproportionate impact on Black LGBTQ+/SGL people and families making it hard to obtain and maintain employment while also penalizing people for survival-based work and using natural medicine, respectively.
- Increase federal protection against wage discrimination based on race, ethnicity, national origin, sexual orientation, and gender identity/expression and increase access to good jobs, as previously defined, with good benefits for Black LGBTQ+/SGL workers.
- Ensure that student loan debt relief legislation includes reparations.

- Allocate additional funding and remove licensure requirements for kinship care guardians to ensure they receive equitable financial support compared to licensed caregivers. Federal caregiver licensure requirements have been cited as why some states have not addressed existing disparities, despite federal appeals court rulings and the 2018 Families First Act.
- Fund the recruitment and support of Black LGBTQ+/SGL parents in becoming foster and adopted parents to Black children stuck in the child welfare system.
- Fund free access to healthcare for programs for displaced and unhoused youth.
- Reduce racial inequity in the federal government by removing barriers to accessing federal programs and services such as lack of promotion of programs in communities of color, lengthy forms filled with jargon and unfamiliar terms, online applications that are difficult to find and complete, lack of paper forms for those without computers or broadband access in general use locations like grocery and convenience stores, and unnecessary requirements that limit the number of people in need that can apply.

These recommendations above are illustrative, not exhaustive. I look forward to being a resource to the members of the Subcommittee as you continue this process, including by connecting you and members of your staff to constituents who can better color the canvas I have contributed to today.

I sincerely appreciate the historic occasion of this House Hearing entitled "There's No Pride in Prejudice: Eliminating Barriers to Full Economic Inclusion for the LGBTQ Community" and the opportunity to submit this testimony.

Most Sincerely,

David J. Johns
Executive Director
National Black Justice Coalition

Additional Resources:

National Black Justice Terminology Guide
<https://nbjc.org/resource/terminology-workbook/>

National Black Justice Terminology & GLSEN, Erasure and Resilience

<https://nbjic.org/wp-content/uploads/2020/11/Erasure-and-Resilience-Black-2020.pdf>

Ring The Alarm: The Crisis of Black Youth Suicide In America, Taskforce Report

<https://nbjic.org/wp-content/uploads/2020/11/Ring-the-Alarm-TASKFORCE-REPORT.pdf>

Movement Advancement Project, A Broker Bargain for LGBT Workers of Color

<https://www.lgbtmap.org/workers-of-color>

Center for American Progress, The State of The LGBTQ Community in 2020 A National Public Opinion Study,

<https://cdn.americanprogress.org/content/uploads/2020/10/02103624/LGBTQpoll-report.pdf>



Opening Statement of Mr. Todd G. Sears, Founder & CEO, Out Leadership

Before the Committee on Financial Services Subcommittee on Diversity and Inclusion

United States House of Representatives

Virtual Hearing entitled "There's No Pride in Prejudice: Eliminating Barriers to Full Economic Inclusion for the LGBTQ Community."

November 9, 2021

Chairwoman Beatty, Ranking Member Wagner, Chairwoman Waters, Ranking Member McHenry, and distinguished members of the Subcommittee, thank you for holding this hearing today.

I sit here before you today, as a proud, openly gay American, a former investment and private banker, former Chief Diversity Officer, and now the Founding CEO of Out Leadership, the first company in the history of the United States whose sole product is equality. Since our first CEO-hosted summit in 2011, I have approached the issue of LGBTQ-inclusive diversity as a business opportunity, something that should be embedded in the DNA of how a company does business and led by the CEO with support from Human Resources—not the reverse. Research has told us time and again for decades that diverse groups and teams (at every level of a company or organization) reduce groupthink, and spur innovation. Consequently, that definition of diversity must be inclusive of LGBTQ+ people.

There are both direct and indirect correlations between LGBTQ+-inclusive diversity policies and a company's bottom line, and even its stock price. Since 2008, every stock market study on LGBTQ+-inclusive policies has shown a positive effect on stock performance¹. Multiple studies have shown that US companies with LGBTQ-inclusive policies have higher income per employee,

¹ The Economic Case for LGBT Equality, M.V. Lee Badgett, 2020

more patents, more trademarks, and more copyrights than less inclusive companies². A 2020 Credit Suisse survey found that companies with LGBTQ+ “out” executives and LGBTQ-inclusive policies outperformed their less inclusive peers in the MSCI World Index by 9.1% over the last ten years—or 378 basis points per year³. The United States Chamber of Commerce, in its 2019 publication, not only found a 6.5% stock outperformance of LGBTQ+ friendly companies versus their peers, but also a direct positive correlation on recruitment, engagement, and retention for LGBTQ+ friendly companies⁴.

Unfortunately, due to the absence of federal protections for LGBTQ+ people, the positive benefits of LGBTQ+ inclusion are not felt universally in the United States, with the burden falling to individual companies to navigate a patchwork of state laws. Recent LGBTQ+ workplace research from my organization Out Leadership revealed that almost one-third of LGBTQ+ people will take a pay cut to move to a state with more favorable treatment of LGBTQ+ workers⁵.

We have articulated this as an opportunity, what we call the Return on Equality™. Indeed, a more inclusive environment will help unleash the potential of additional jobs, innovation, tax revenue, and accelerate the growth of diverse and inclusive workplaces, boosting the American economy.

Over 750 CEOs and hundreds of multinational organizations around the world have supported this principle of Out Leadership, lending their platform and the economic power of their companies to the fight for full equality for LGBTQ+ people.

[Out Leadership members](#) are predominantly American companies, who employ more than 7 million Americans in every single state in the country, in sectors ranging from finance and manufacturing to consumer staples, real estate, and technology.

² “Mohammed Hossain et al., “Do LGBT Workplace Diversity Policies Create Value for Firms?,” *Journal of Business Ethics*, 2019

³ <https://www.marketwatch.com/story/lgbt-friendly-companies-outperform-in-the-stock-market-credit-suisse-says-11606822183>

⁴ <https://www.uschamberfoundation.org/press-release/us-chamber-foundation-research-shows-better-recruitment-retention-and-employee>

⁵ <https://www.outleadership.com/allyup>

Companies support our work because the laws of our country lag behind what employees and customers have been telling them for decades - that LGBTQ+ people deserve to be treated with dignity and respect and afforded the same rights as their straight peers.

Distinguished Members, I knew I was gay when I was a four-year-old kid in Salisbury, NC, and despite having open-minded and supportive parents, it took me another 14 years to finally come out to myself. Because of the explicit and implicit discrimination that exists in every aspect of our society, lesbian, gay, bisexual, and transgender Americans have to seek psychological safety in every situation in which we find ourselves—is it safe to be ourselves in an office, in a bar, or in a boardroom? This is the constant risk/reward assessment that every LGBTQ+ person undergoes daily across America. This pits our jobs and careers, and in some cases our lives against the simple act of being who we are.

But as challenging as this universal experience of discovering one's gay identity is, those of us who are lucky enough to survive both the closet and the coming out process have the “super-power” of knowing who we really are—something not everyone experiences. The life-long challenge of covering and seeking safe spaces also results in LGBTQ+ people showing incredibly high levels of empathy, making us great employees, creative thinkers, and strong leaders when given the opportunity.

But as each of you here today knows, despite progress, and decades of work, equal opportunity for every American still does not currently exist.

The August 2021 jobs report showed that unemployment of Black workers rose last month compared with the opposite for white, Asian, and Latino workers. According to an EEO1 analysis by USA Today this Fall, only 1 in 443 Black or Hispanic employees have an executive-level job. Women are still massively underrepresented at senior levels of corporations. When race is added to the equation, the representation of women of color in United States companies drops off 75% between entry-level and the C-suite. In fact, women of color account for just 4% of C-suite leaders according to McKinsey⁶.

⁶ <https://www.mckinsey.com/featured-insights/diversity-and-inclusion/women-in-the-workplace>

LGBTQ+ workers, unfortunately, face even more challenging situations, primarily due to the significant legal opportunities for discrimination that still exist across the United States. The Williams Institute of the UCLA School of Law - the only research institution of its kind globally studying socio-economic outcomes of LGBTQ+ people - found in its latest research that 45.5% of LGBTQ+ workers in the United States reported experiencing unfair treatment at work, including being fired, not hired, or harassed because of their sexual orientation or gender identity at some point in their lives.

Consider the following:

- 29 states still have no full nondiscrimination protections for LGBTQ+ Americans
- 47% of LGBTQ+ Americans have experienced discrimination, harassment, or physical or sexual assault in the workplace⁷
- Over half (57.0%) of LGBTQ+ employees who experienced discrimination or harassment at work reported that their employer or co-workers did or said something to indicate that the unfair treatment that they experienced was motivated by religious beliefs
- This discrimination and harassment are ongoing: nearly one-third of LGBTQ+ respondents reported that they experienced discrimination or harassment within the past five years. Overall, 8.9% of employed LGBTQ+ people reported that they were fired or not hired because of their sexual orientation or gender identity in the past year, and that number increases to 11.3% for LGBTQ+ employees of color

For transgender employees, the situation is even worse, with almost half (48.8%) of transgender employees reporting experiencing discrimination (being fired or not hired) based on their LGBTQ+ status compared to 27.8% of cisgender LGB employees. More specifically, twice as many transgender employees reported not being hired (43.9%) because of their LGBTQ+ status compared to LGB employees (21.5%). For Black transgender Americans, the numbers are troubling, with 20% unemployment--more than twice that of the general Black population⁸.

Religious liberty in America means absolute freedom to believe as one wishes. It has never meant—and must not mean—that our government favors religious believers over nonbelievers or

⁷ <https://www.outleadership.com/allyup>

⁸ The National Center for Transgender Equality

certain religious sects over others. We all are entitled to equal liberty and equal protection of the law. Indeed, positioning LGBTQ+ inclusion against religious inclusion creates a false choice, especially as more than half of LGBTQ+ Americans consider themselves religious⁹.

Chairwoman Beatty, Ranking Member Wagner, Chairwoman Waters, Ranking Member McHenry, and distinguished members of the Subcommittee, LGBTQ+ equality and inclusion is not a Republican or a Democrat issue. This is an economic issue that impacts all Americans. Gallup's latest poll puts the LGBTQ+ population at 5.6% of the US population¹⁰, with other smaller studies showing significantly higher percentages, especially in Generation Z.

There are economic consequences to discrimination and significant economic opportunity created by LGBTQ-inclusive diversity. Too often, conversations, forums like these, and the laws and regulations that come from them, remain limited to the silos of gender and race. Diversity is intersectional and must include LGBTQ+ people to be fully inclusive. Time and again, federal bills and countless state-level bills are introduced to promote diversity, inclusion, and disclosure that completely ignore and exclude the LGBTQ+ community. LGBTQ+ people are still not a federally protected category—something most Americans do not know. There are still no consistent state-level protections for gay and lesbian people, and even fewer protections for the most vulnerable of our populations, the transgender community. HIV+ Americans can still face criminal charges in 34 US states.

LGBTQ-inclusive diversity must be included in every conversation on economic development and opportunity if we are to achieve a United States economy of prosperity, equity, and dignity. The most vulnerable LGBTQ+ households also tend to have individuals and families who hold multiple intersectional identities, compounding the burden of discrimination based on sexual orientation, gender identity with gender, race, ethnic background, veterans, disability, military-connected families¹¹, older Americans, or formerly incarcerated people. It is important to note that racial justice is a core and inseparable part of the movement for LGBTQ+ equality.

⁹ <https://williamsinstitute.law.ucla.edu/press/lgbt-religiosity-press-release/>

¹⁰ <https://news.gallup.com/poll/329708/lgbt-identification-rises-latest-estimate.aspx>

¹¹ There are approximately 16000 families of lesbian, gay, bisexual, or transgender (LGBT) service members in the U.S. military <https://jmvfh.utpjournals.press/doi/abs/10.3138/jmvfh-2021-0019>

We know that LGBTQ+ leaders who are out at work are more successful, more likely to be promoted, more loyal to their companies—all of which are direct positive impacts on a company's bottom line. Conversely, 73% of LGBTQ+ employees who are in the closet say they're planning to leave their companies¹². We also know that supportive allies are the number one reason LGBTQ+ people come out at work and that LGBTQ+ allyship has a direct positive impact on other minorities.

Economic empowerment for LGBTQ+ people means seeing a pathway for success at their place of employment. Our research has shown that visible LGBTQ+ people serving in top leadership positions, especially on the board, give diverse talent across the spectrum the confidence to see a pathway to career success. Yet only 19 of the Fortune 500 corporations explicitly include LGBTQ+ people in the definition of board diversity, and the resulting count of out LGBTQ+ board members is 29—just 0.51% of the Fortune 500 5,670 board seats that exist¹³.

The COVID-19 pandemic has exacerbated the disparities that exist to full LGBTQ+ participation in the economy. According to new survey data from the US Census Bureau (coincidentally the first time in history that LGBTQ+ people have been counted in a national federally funded survey):

- LGBTQ+ adults living in the US were twice as likely to experience food insecurity during the pandemic than non-LGBTQ+ adults¹⁴
- Of the more than 64,000 people who responded to the bureau's latest Household Pulse Survey, just over 13% of LGBTQ+ adults reported living in a household that experienced food insecurity in the past seven days, compared to 7.2% of non-LGBTQ+ adults
- This Census data also showed that LGBTQ+ people of color have been hardest hit by having work hours cut or losing jobs entirely during the pandemic¹⁵

¹² The Power of Out, Center for Talent Innovation, Sylvia Ann Hewlett

¹³ <https://outleadership.com/insights/lgbtq-board-opportunity-report/>

¹⁴ <https://www.census.gov/data/experimental-data-products/household-pulse-survey.html>

¹⁵ <https://williamsinstitute.law.ucla.edu/publications/covid-surge-lgbt/>

Other recent studies have shown that:

- 15% of American same-sex couples have children - That number is 41% for Black same-sex couples - and yet LGBTQ+ Black Americans on average have lower salaries and face more discrimination¹⁶
- 38% of Black transgender respondents report living in poverty, compared to 24% of Black people in the U.S. population¹⁷
- 42% of Black transgender respondents have experienced homelessness at some point in their lives, compared to 30% in the United States overall, and 22% have experienced homelessness in the past year because of being transgender¹⁸
- The Human Rights Campaign's (HRC) 2020 report found that 17% of LGBTQ+ people had lost their jobs because of COVID-19, compared to 13% of the general population

In short, preliminary evidence suggests that LGBTQ+ households have post-pandemic economic outcomes that are two times worse than their heterosexual and cisgender peers. However, because LGBTQ+ people remain largely unstudied by Government surveys, we lack a complete picture of the situation.

This past year, Out Leadership has championed three bills: [HR 1187](#) on inclusive Governance, [HR 1443 on LGBTQ+ access to credit](#), and the Equality Act, which all passed the House of Representatives. Let me take this opportunity to acknowledge your leadership and thank you for your work on this committee.

We are also engaging US agencies such as The United States Department of the Treasury, and Securities Exchange Commission, to ensure LGBTQ+ people are included in the federal definition of diversity.

¹⁶ <https://blackcensus.org/wp-content/uploads/2019/06/When-The-Rainbow-Is-Not-Enough.pdf>

¹⁷ National Center for Transgender Equality

¹⁸ National Center for Transgender Equality

Out Leadership intends to continue to use its network of companies to promote an equitable and inclusive post-pandemic recovery. On behalf of our members and the business community, we advocate specifically for the following:

1. The passage of the Equality Act. Without it, LGBTQ+ people will continue to be subject to state-level discrimination and the constant chipping away of federal protections like Title IX and *Bostock v. Clayton County*, a landmark United States Supreme Court civil rights case in which the Court held that Title VII of the Civil Rights Act of 1964 protects employees against discrimination because they are gay or transgender
2. The amendment of corporate guidelines for board diversity to expand diversity definitions to be LGBTQ-inclusive for all regulated entities and businesses in the United States. Out Leadership's *Guidelines for LGBTQ-inclusive Board Diversity* outline what such policies could be, along with using the model of California's AB 979. In advance of the Equality Act, encourage the U.S. Securities and Exchange Commission to require expanded disclosure of board diversity demographics by publicly traded companies, including sexual orientation and gender identity of board members (SEC). It is urgent that the SEC and other agencies define diversity, which so far has been left at the discretion of companies
3. The inclusion of data collection on the LGBTQ+ community in all Federal government data collection including in the American Community Survey and the American Housing Survey
4. We request that your work as a committee ensures that freedom of religion does not include a religious right to discriminate
5. The promotion of economic security and financial stability of LGBTQ+ people by fostering inclusive labor practices and workplace policies. Ensure greater access to safe and stable housing for LGBTQ+ people including by improving access to mortgages

In summary, LGBTQ-inclusive diversity is demonstrably and simply good for business. Twenty-five years of research has shown us that companies with LGBTQ-inclusive policies outperform their peers on every measure of success, from engagement to turnover, from innovation to stock price.

In a market economy, a business only invests effort in activities that are in its economic best interest, and LGBTQ+ inclusive diversity clearly fits the bill. It's why 92% of the Fortune 500 companies protect their LGBTQ+ employees, and thousands of US companies have invested in equality, diversity, and inclusion. However, individual companies can only do so much-- structural challenges remain that can only be addressed by the federal government.. The patchwork of state laws across 29 states where LGBTQ+ Americans are not protected stands in the way of economic growth, innovation, and the American Way. We ask this committee to undertake this important work and we stand ready to continue to support this committee and our government in any way possible.

Thank you for the opportunity to appear before you today, and I look forward to your questions.

TESTIMONY OF
TANYA ASAPANSA-JOHNSON WALKER
CO-FOUNDER OF THE NEW YORK TRANSGENDER ADVOCACY GROUP
(NYTAG), GROUP FACILITATOR FOR SAGE, AND LGBTQ+ ACTIVIST

U.S. HOUSE COMMITTEE ON FINANCIAL SERVICES

HEARING ON “*THERE’S NO PRIDE IN PREJUDICE:
ELIMINATING BARRIERS TO FULL ECONOMIC INCLUSION FOR
THE LGBTQ COMMUNITY*”

NOVEMBER 9, 2021

Members of the Committee, thank you for holding this hearing on an issue that I believe impacts the entire lesbian, gay, bisexual, transgender, queer/questioning (LGBTQ+) community, but especially affects those who are transgender, gender non-conforming and non-binary (TGNCNB).

My name is Tanya Asapansa-Johnson Walker and I am a proud, Black, transgender woman. I am HIV-positive. I am also a U.S. Army Veteran and a co-founder of the New York Transgender Advocacy Group, known as NYTAG. I have also worked on behalf of SAGE, the world’s largest and oldest organization dedicated to LGBTQ+ elders, and Housing Works, an organization dedicated to ending the dual crisis of homelessness and AIDS. I have been an LGBTQ rights advocate for more than 27 years and have been focused on fighting for TGNCNB (transgender, gender nonconforming and non-binary) rights—and for myself to be treated with basic human dignity and respect—for 18 years.

I am here to share my story in hopes that it can help people begin to understand the issues that I have faced and the larger issues that exist within the LGBTQ+ community, especially around housing and economic security. I thank members of the committee for hosting this hearing and giving me the opportunity to speak.

My path has not been an easy one. Despite suffering harassment and abuse – verbally, physically and sexually – in the Army, I received an honorable discharge in 1984. I then went on to study social work at the College of Staten Island (CSI) where I was constantly misgendered. My professors wouldn't use my name, no matter how many times I asked them to do so. I was forced to leave the school abruptly due my activism for LGBTQ rights. I was the leader of the Lesbian Gay group at CSI. I protested for an out Lesbian Judge, Judge Karen Burstein and against the comments made by the Borough President Guy V. Molinari. The discrimination and threats of violence began shortly after. The students started to threaten and harass me, because of my perceived sexuality and gender identity. Despite my reporting these threats to the school's administration and to City law enforcement, the threats were ignored.

In 1988, I was severely injured in a car accident, which served as a catalyst for me to come to terms with my identity as a woman, and I decided that life is too short for me to live unauthentically. I tried to find medical care to assist with my transition, but was turned away, laughed at, and at times declared mentally ill. One doctor called me a schizophrenic and prescribed pills for my "condition." From 1990 through 2010, it was virtually impossible to find doctors or other medical providers who did not overtly reject, minimize, and, at times, even ridicule and mock my identity as a transgender woman. I have been laughed at, told I was just a gay man who didn't know how to be a man, misgendered, deadnamed (that's when someone calls you by your birth name after you've changed your name when transitioning), and on the extreme side of things, had my genitals exposed and mocked by healthcare staff. I learned to take a friend with me to document these cases of discrimination.

This impacted my life greatly, not only with healthcare, but with my ability to find work and safe housing. Many of my friends and I were unable to find employment because people would not hire transgender folks. Despite being a Combat Engineer Veteran, I was forced to rely on food pantries and kitchens throughout my adult life because I could not find work. In order to pay my rent and purchase hormones (off the street because no medical provider would help me), I resorted to survival sex work. I know many other transgender individuals that also turned to survival sex work just to pay for their health care needs. I believe having to share syringes with other trans women and utilizing street hormones helped to cause my HIV-positive status.

Despite the misgendering, the lack of healthcare, the lack of employment, the lack of housing, the lack of funds – I survived. After completing a job training program, I found a job in 1999 as a community follow-up worker. I worked to locate housing, medical, and mental healthcare treatment for single adults and families who were homeless, HIV positive and addicted to substances, and then as a case manager at Housing Works. My work as a case manager involved assisting TGNCNB clients with a variety of needs, including accompanying them to medical appointments to act as a literal human shield and advocate against the mistreatment and disrespect that is almost always guaranteed. The connection between health and economic security is vicious circle – poor health can impact finances, low or no finances can impact mental health, and the circle goes around and around. I've seen this not only in my community, and the people who are impacted at Housing Works, but also older LGBTQ+ people from my work at SAGE.

Health and finances also impact one's ability to find affordable, safe housing. I myself have been laughed at, turned away, harassed and discriminated against when seeking housing. I have heard horror stories, both through my work at Housing Works, but also through my TGNC friends, about placement in the shelter system when affordable housing cannot be found. Transgender women either get physically and verbally abused when placed in female shelters -- being told they are a man and do not belong; or they get physically, verbally and sexually abused when placed in male shelters. There is no safe place for TGNC people until cultural competency trainings are required, and both knowledge and attitudes change. It is horrifying, and I have been on that side of horror, to be abused simply because of who you are or whom you love.

Health, finances and housing -- they are all part of a triple threat for the LGBTQ+ community. 40% of older LGBTQ+ people do not tell their doctor about their sexual orientation or gender identity.¹ Nearly 200% of LGBTQ+ people in this country live at or below the Federal poverty line² and 48% also experience some form of housing discrimination.³ For the transgender population, the statistics are dire: more than 1 in 4 transgender people have lost a job due to bias and more than three-fourths have experienced some form of workplace discrimination.⁴ Transgender people of color experience even higher rates of discrimination – which can include harassment, refusal to hire, physical and sexual violence and

¹ Out & Visible: The Experiences of Lesbian, Gay, Bisexual and Transgender Older Adults, Ages 45-75, SAGE, 2014

² Understanding Issues Facing LGBT Older Adults, Movement Advancement Project & SAGE, 2017.

³ Opening Doors: An Investigation of Barriers to Senior Housing for Same-Sex Couples, Equal Rights Center, 2014.

⁴ National Center for Transgender Equality, "Issues: Employment", (2021). Retrieved from <https://transequality.org/issues/employment>

privacy violations. These extreme situations lead to high levels of unemployment and poverty. It is believed that 1 in 8 transgender people become involved in underground economies—such as survival sex and drug work—in order to stay alive.⁵

This must stop. We are your neighbors, we are your sisters, we are your friends, we are Americans. There are direct improvements that can be made at the Federal level to improve the lives of LGB and especially TGNC people.

For starters, making the Equality Act the law of the land is crucial in protecting the LGBTQ+ community. Currently 29 states do not have comprehensive protections for LGBTQ+ people. The Equality Act would put explicit federal protections in place to protect me and my transgender brothers and sisters from discrimination in housing, employment, access to credit, and more. I know it won't solve all of our problems, but it will help ensure that we are treated the same as everyone else.

Federal agencies, including the Consumer Finance Protection Bureau (CFPB) and the U.S. Department of Housing and Urban Development (HUD) could also do more to ensure that LGBTQ+ people – including LGBTQ+ older people – have access to safe and welcoming housing.

While I can't claim to be a policy expert, here are some commonsense ideas for the (CFPB) and HUD to undertake:

CFPB:

- In addition to the CFPB tracking sexual orientation and gender identity demographics in its complaints database, it could do more to help LGBTQ+ people get the help they need by requiring lending institutions to create LGBTQ+-targeted programs, especially for elders, and make targeted loans and other products available, in order to expand their market reach in the historically marginalized LGBTQ+ community.

HUD:

- Ensure that anytime HUD collects demographic data or that it requires anyone it works with or funds to collect demographic data, that HUD and these other entities also collect sexual orientation and gender identity data. If we are not counted, we don't count.

⁵ National Center for Transgender Equality, "Issues: Employment". (2021). Retrieved from <https://transequality.org/issues/employment>

- Provide guidance to its community partners, sharing best practices, and even stating that LGBTQ+ older people may be considered a vulnerable population to whom the community partners may give a preference, in their Consolidated Plans, Annual Action Plans, and in their Public Housing Agency plans.
- Promulgate guidance for providing single-site LGBTQ+ elder supportive and permanent housing for LGBTQ+ older people,
- Create a Section 8 LGBTQ+ elder voucher, akin to [HUD-VASH](#), for LGBTQ+ people 55+, to address a history of stigma and discrimination that diminishes access to affordable housing.
- Provide funding for an additional allocation of [Section 202 elder housing](#), targeting LGBTQ+ older people.
- Promulgate guidance as to how it will support the creation of LGBTQ+ elder housing, so that LGBTQ+ older people, like people of all sexual orientations and gender identities, and all backgrounds, can age as their authentic selves, and feel safe and secure in elder housing. This also applies to the younger generation the LGBTQ+ community.
- Especially for the Stonewall generation, and those, like me, who need access to safe and affordable housing, help educate private landlords on LGBTQ+ rights and any nondiscrimination protections that currently exist in their state.

And most importantly, for Congress, the Equality Act must be passed so that nondiscrimination protections become the law of the land.

When we all are treated with the respect and dignity we deserve, we are all able to thrive.

I thank you all again for your time and look forward to seeing what progress can be made both now, and in the future.

Chairwoman Beatty, Ranking Member Wagner, and Members of the Committee, thank you for the opportunity to testify at today's hearing. My name is Spencer Watson, and I am the President and Executive Director of the Center for LGBTQ Economic Advancement & Research (CLEAR). In my testimony today, I will be sharing the most current knowledge about the state of financial wellbeing and access to economic opportunities for LGBTQ+ people.

LGBTQ+ people report smaller incomes than non-LGBTQ+ people and are more likely to live in poverty than non-LGBTQ+ people are. One in five LGBT adults in the U.S. live in poverty (22%), over 1.3x more often than non-LGBT adults (16%).¹ In 2019, one in five LGBT adults in the U.S. reported earning less than \$25,000 a year (21%), 1.5x more often than non-LGBT adults (14%), and one in twenty reported earning less than \$5,000 a year (5%), 2.5x more often than non-LGBT adults (2%).² Trans people are 4x more likely to make less than \$10,000 a year than the general population (15% vs. 4%).³

To bridge the gap between their income and expenses, LGBTQ people are more likely to make use of government benefits and other sources of financial support than non-LGBTQ people. LGBT adults are 1.8x more likely to make use of the Supplemental Nutrition Assistance Program (SNAP) than non-LGBT adults (14.6% vs. 7.8%), and are over 2x more likely to make use of government housing assistance programs (6.0% vs. 2.6%).⁴

LGBTQ+ people are more likely to be unemployed or underemployed than non-LGBTQ+ people. In 2019, LGBT adults were 1.8x more likely to report they were unemployed and looking for work than non-LGBT adults (6.3% vs. 3.5%), and one third of LGBT adults who were employed said that they wanted to work more in the previous month (33.5%), 1.2x more often than non-LGBT adults (27.3%).⁵ Employment gaps particularly afflict younger LGBT adults. In 2019, one in ten LGBT adults 18-29 years old were unemployed and looking for work (10.6%), more often than non-LGBT peers (8.5%).⁶

LGBTQ+ people are less likely to have insurance coverage than non-LGBTQ peers. In 2019, one in ten LGBT adults did not have any health insurance (10.3%), over 1.5x more often than non-LGBT adults (6.7%).⁷ More than one in six Black and Hispanic LGBT adults did not have health insurance (17.2% and 17.1%, respectively). Insurers are less likely to offer inclusive plans that cover LGBTQ+ people's unique healthcare needs, including gender-affirming care and family formation costs such as in-vitro fertilization. The lack of adequate insurance to cover their healthcare needs forces many LGBTQ+ people to pay out of pocket for care, or to forego needed

¹ M.V. Lee Badgett, Soon Kyu Choi, Bianca D.M. Wilson, *LGBT Poverty in the United States*, WILLIAMS INSTITUTE (October 2019) <https://williamsinstitute.law.ucla.edu/publications/lgbt-poverty-us/>

² Center for LGBTQ Economic Advancement & Research, *The Economic Wellbeing of LGBT Adults in 2019* (June 2021) <https://lgbtq-economics.org/research/lgbt-adults-2019/>

³ Jaime M. Grant, Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling, "Injustice at Every Turn: A Report of the National Transgender Discrimination Survey," National Center for Transgender Equality and National Gay and Lesbian Task Force (2011) http://www.thetaskforce.org/downloads/reports/reports/ntds_full.pdf

⁴ *The Economic Wellbeing of LGBT Adults in 2019*, supra note 2 at 12.

⁵ *The Economic Wellbeing of LGBT Adults in 2019*, supra note 2 at 16.

⁶ *The Economic Wellbeing of LGBT Adults in 2019*, supra note 2 at 15

⁷ *The Economic Wellbeing of LGBT Adults in 2019*, supra note 2 at 35.

healthcare. One in five LGBT adults without insurance who paid out of pocket for their care had paid more than \$5,000 (21.4%), 1.8x more often than non-LGBT peers.⁸

Homeownership is frequently regarded as a principal way for U.S. households to build their wealth and financial security. But LGBTQ+ people are less likely to obtain the benefits of homeownership, because LGBTQ+ people are less likely to own their own homes. Less than half of LGBTQ adults own their own home (around 47-49%), as compared to around two thirds of non-LGBTQ adults (64%-69.7%).⁹ Those that do own their homes are more likely to still be repaying their mortgage (69.2% vs. 62.9%).¹⁰ LGBTQ renters were more likely to report that they did not own their own home because they could not afford a down payment (71.0% vs. 60.8%), they did not think they would qualify for a mortgage (44.3% vs. 39.2%), and were less likely to say that they were looking to buy a home (28.0% vs. 33.1%).¹¹ LGBT women and people of color are even less likely to own their homes, with or without a mortgage. In 2019, only 43.0% of LGBT women owned their home.¹² Less than a third of Black LGBT adults owned their home (31.3%), as did slightly more than a third of Hispanic LGBT adults (34.2%).

LGBTQ+ households are more likely to be unbanked and underbanked than non-LGBTQ+ households. In 2019, LGBT households were 1.6x more likely to be unbanked than non-LGBT households (6.2% vs. 3.7%) and also more likely to be underbanked (16.8% vs. 14.3%). Overall, more than one in five LGBT adults were unbanked or underbanked (23.0%), 1.25x more often than non-LGBT adults (18.0%). Four in ten LGBT adults earning less than \$40,000 a year were unbanked or underbanked (40.2%), as compared to a third of non-LGBT peers (34.2%).¹³ LGBTQ women and people of color are even more likely to be unbanked or underbanked. In 2019, more than one in four female LGBT households were unbanked or underbanked (27.0%)—one in ten were unbanked (9.7%) and one in six were underbanked (17.2%). More than four in ten Black LGBT households were unbanked or underbanked (46.9%), as were more than a third of Hispanic LGBT households (37.6%). One in seven Black LGBT households were unbanked (14.1%), and a one in three were underbanked (32.8%). One in ten Hispanic LGBT households were unbanked (11.1%), and more than one in four were underbanked (26.5%).

Inadequate access to traditional financial services means that LGBTQ people are more likely to make use of alternative financial services, such as check cashers, payday loans, pawn shops, and title lenders. In 2019, one in five LGBT households had used one or more alternative financial services in the previous year, 1.25x more often than non-LGBT adults (16.2%).¹⁴ LGBT households were over 2x more likely to have obtained a payday loan (4.5% vs. 2.2%) or title loan (3.5% vs. 1.8%), and over 1.3x more likely to have obtained a money order (14.2% vs. 10.4%).

⁸ *The Economic Wellbeing of LGBT Adults in 2019*, supra note 2 at 36

⁹ Freddie Mac, *The LGBT Community: Buying and Renting Homes 3* (2018); *The Economic Wellbeing of LGBT Adults in 2019*, supra note 2 at 23.

¹⁰ *The Economic Wellbeing of LGBT Adults in 2019*, supra note 2 at 23.

¹¹ *The Economic Wellbeing of LGBT Adults in 2019*, supra note 2 at 24

¹² *The Economic Wellbeing of LGBT Adults in 2019*, supra note 2 at 23.

¹³ *Id.*

¹⁴ *The Economic Wellbeing of LGBT Adults in 2019*, supra note 2 at 19

LGBTQ parents are more likely to struggle financially than non-LGBTQ parents. More than a third of LGBT adults with children under the age of 18 in their home said that they could not afford all of their bills that month (36.1%), 1.8x more often than non-LGBT peers (19.7%). Another one in four said they could not afford their bills if an unexpected expense came up, 1.9x more often than non-LGBT peers (13.0%).¹⁵

LGBTQ+ people are more likely to rely upon student loans and credit in order to afford higher education. Four in ten LGBT adults borrowed money to finance their higher education (44.4%), 1.4x more often than non-LGBT adults (31.1%).¹⁶ Nearly half of LGBT women borrowed to finance their educations (49.5%), as did over half of Black LGBT adults (53.1%). One in five LGBT student borrowers reported owing more than \$75,000 in educational debt, 1.4x more often than non-LGBT borrowers (13.7%).¹⁷ But LGBT adults who obtained university degrees were less likely to receive the full financial benefit of their educations with regard to their incomes, and more likely to struggle repaying their educational debts. LGBT adults with a Bachelor's degree or higher were more likely than non-LGBT peers to be earning less than \$50,000 a year (17.6% vs. 14.2%).¹⁸ One in five LGBT student borrowers were behind in repayment or collections (21.1%), 1.3x more often than non-LGBT peers (16.3%).¹⁹ Over half of LGBT student borrowers said that their retirement plan was not on track (55.2%), and one in five said their credit score was poor or very poor (21.7%).²⁰ One in five LGBT adults said that the lifetime costs of their education were greater than the benefits (19.9%), 1.3x more often than non-LGBT adults (14.7%).²¹

LGBTQ+ people suffer greater obstacles to their access to consumer credit. LGBT consumers report are nearly 2x more likely to report that they have poor or very poor credit scores than non-LGBT consumers (16.1% vs. 8.2%).²² LGBT women and people of color are even more likely to report poor or very poor credit. One in five LGBT women have poor credit scores (20.7%). Nearly a third of Black LGBT consumers have poor or worse credit scores (31.3%), as do more than one in six Hispanic LGBT consumers (18.8%). More than one in six LGBT adults had not submitted at least one credit application in the previous year because they expected to be turned down (18.1%), 1.4x more often than non-LGBT adults (12.4%).²³

Although LGBT consumers were more likely to apply for credit in 2019 (44.5% vs. 39.5%), those that applied were 1.5x more likely to have their applications rejected (35.1% vs. 21.3%) and were 1.25x more likely to be offered less credit than they wanted (18.4% vs. 14.5%).²⁴ More

¹⁵ *The Economic Wellbeing of LGBT Adults in 2019*, supra note 2 at 26.

¹⁶ *The Economic Wellbeing of LGBT Adults in 2019*, supra note 2 at 29.

¹⁷ *Id.* at 29.

¹⁸ *Id.* at 30.

¹⁹ *Id.* at 30.

²⁰ *Id.* at 31.

²¹ *Id.*

²² *The Economic Wellbeing of LGBT Adults in 2019*, supra note 2 at 20.

²³ *Id.* at 21.

²⁴ *The Economic Wellbeing of LGBT Adults in 2019*, supra note 2 at 20.

than half of Black LGBT adults applying for credit had an application denied (58.3%), and four in ten received an offer for credit that was less than they wanted (41.7%).

Transgender and gender-nonconforming LGBTQ people also experience difficulties with credit reports and scores after they change their legal names. Although credit bureaus have been able to facilitate changes to consumers' surnames for decades to accommodate marriage or divorce, they struggle to do so for changes to consumers' first name or full name. This results in fragmented credit files that do not contain the consumer's full credit history, and can lead to a drop in credit score as well as denial for credit due to a lack of sufficient credit history.

The LGBTQ+ community is not a monolith. LGBTQ+ people come from different racial, socio-economic, and cultural backgrounds that affect their economic experiences. Wealth gaps for LGBTQ+ people fall disproportionately upon those who are transgender and bisexual as well as those who are also members of other marginalized groups—including people of color, women, and immigrants.

Written Statement for the Record of the American Civil Liberties Union

**National Political Advocacy Department
Christopher Anders, Federal Policy Director
LaLa B Holston-Zannell**

**Trans Justice Campaign Manager
To the Subcommittee on Diversity and Inclusion Committee on Financial Services
“There’s No Pride in Prejudice: Eliminating Barriers to
Full Economic Inclusion for the LGBTQ Community”**

Chairperson Beatty, Ranking Member Wagner, and Members of the Committee,

On behalf of the American Civil Liberties Union and our more than three million members, activists, and supporters, we submit this statement for the record for the hearing on “There’s No Pride in Prejudice: Eliminating Barriers to Full Economic Inclusion for the LGBTQ Community” of the U.S. House Committee on Financial Services, Subcommittee on Diversity and Inclusion. We are grateful for the work you are doing to eliminate barriers to full economic inclusion for the LGBTQ community. We know you have heard from various organizations about the many challenges and inequities that affect the economic well-being of LGBTQ people. We would like to focus on one policy recently put in place that furthers financial instability in our queer and trans communities.

On October 15, 2021 Mastercard enacted a new policy for adult content websites using its credit card or payment options. The policy imposes requirements such as pre-approval of all content before publication, forbidding certain search terms, and keeping records of age and identity verification for all performers. The stated intent of the policy is to prevent child sexual abuse material and other non-consensual content. The ACLU shares these concerns; however, in practice, this policy makes it difficult for adult content websites to function, ultimately harming the millions of sex workers that use their platforms to make a living. The effectiveness of this policy as a tool for combatting the stated harms is also deeply questionable. The policy applies only to web sites that primarily host adult content, which are the sites on which one often finds the most robust safeguards against trafficking or child sexual abuse material. The policy does not apply to any other category of website, though all available evidence indicates child sexual abuse material and trafficking proliferate across other sites, and to a greater extent.¹

ACLU has connected with various workers impacted by the Mastercard adult content policy in the few weeks since it has been in effect. They reported their clips have been removed from websites for content monitoring, their ability to send photos and videos in chat to clients have been cut off, and their content has been rejected for having description words or depictions of items such as alcohol, or weapons, which appear in nearly every Hollywood movie with a rating higher than G. All of these implications are costing workers their hard-earned income. An

¹ National Center for Missing and Exploited Children, By the Numbers. Available at: <https://www.missingkids.org/gethelpnow/cybertipline#bythenumbers>.

informal twitter poll of just over 200 content creators found that about 50 of them had lost over a quarter of their typical income since the policy change.²

Mastercard's new policy is harmful for sex workers whose safety and livelihoods depend on access to financial services and online platforms. The policy makes it harder for sex workers to do business online, making sex workers more vulnerable. In many ways this corporate policy is a continuation of the harmful SESTA/FOSTA that passed in 2018. While the law's stated intent was to curb trafficking, it had the effect of eliminating many online platforms for sex workers, including client screening services like Redbook, which allowed sex workers to share information about abusive and dangerous customers and build communities to protect themselves. SESTA/FOSTA pushed more sex workers offline and into the streets, where they have to work in isolated areas to avoid arrest, and deal with clients without background checks.

These barriers to economic stability for sex workers have a disproportionate impact on the LGBTQ community as members of the community — particularly LGBTQ people of color, LGBTQ immigrants, and transgender people — are more likely to be sex workers.³ Participation in sex work is often higher among those who have faced family rejection, poverty, or unequal opportunities in employment, housing, and education.⁴ Previous studies have documented higher levels of participation in sex work among transgender people, and in particular people of color and those facing homelessness or poverty.⁵

ACLU has had numerous meetings with Mastercard exchanging information about the intent and harms of this policy, launched a petition for the public to voice their opposition, and is working hard to amplify this issue through blogs, social media, and other means.⁶ Everyone deserves access to financial services and everyone should be able to make a living and support themselves and their families. Financial discrimination and other laws and policies that criminalize or stigmatize sex work disproportionately harm the safety and wellbeing of LGBTQ people. We hope that you will join us in asking Mastercard to end this harmful policy, one that is likely to be copied by other major financial institutions if we are unable to put a stop to it. If you have further questions, please contact LaLa B. Holston-Zannell, LZannell@aclu.org.

² Twitter post, <https://twitter.com/MzKimAP/status/1454120560368099332>.

³ Survivors Against Sesta, <https://survivorsagainstsesta.org/lgbtq/>.

⁴ Amnesty International. (2016). Amnesty International Policy on State Obligations to Respect, Protect and Fulfill the Human Rights of Sex Workers. Available at: <https://www.amnesty.org/en/documents/pol30/4062/2016/en>.

⁵ Fitzgerald, E., Elspeth, S., & Hicky, D. Meaningful Work: Transgender Experiences in the Sex Trade. DC & NY, New York: Best Practices Policy, National Center for Transgender Equality, & Red Umbrella Project. Available at: http://www.transequality.org/sites/default/files/Meaningful%20Work-Full%20Report_FINAL_3.pdf.

⁶ ACLU Petition against Mastercard: <https://action.aclu.org/petition/mastercard-sex-work-work-end-your-unjust-policy>; ACLU blog: <https://www.aclu.org/news/lgbtq-rights/how-mastercards-new-policy-violates-sex-workers-rights>



Written Statement of
Joni Madison
Interim President
Human Rights Campaign
To the
Committee on Financial Services
Subcommittee on Diversity and Inclusion
United States House of Representatives
There's No Pride in Prejudice: Eliminating Barriers to Full
Economic Inclusion for the LGBTQ+ Community

November 9, 2021

My name is Joni Madison, and I am the Interim President of the Human Rights Campaign, the nation's largest civil rights organization working to achieve equality for lesbian, gay, bisexual, transgender, and queer (LGBTQ+) people. By inspiring and engaging all Americans, HRC strives to end discrimination against LGBTQ+ people and realize a nation that achieves fundamental fairness and equality for all. On behalf of our more than 3 million members and supporters, I am honored to submit testimony for this important hearing.

Every day we fight in the halls of Congress, in state legislatures, and in the courtroom for our right to live and work free from discrimination. Despite recent advances in equality, LGBTQ+ individuals and their families continue to face barriers at every level, including in healthcare, lending and credit, and the workplace. These challenges push many in our community to the margins of society, leaving those who are particularly vulnerable to structural discrimination at an increased risk of poverty, violence, and negative emotional and physical health outcomes.

Thank you Chairs Waters and Beatty for holding this important hearing.

Equality Act

LGBTQ individuals and families across the country continue to face discrimination across their lives – at work, when looking for a place to live, and when seeking goods and services. From 2013 to 2020, the number of private sector LGBTQ-based sex discrimination charges filed with the EEOC increased by an astounding 96%.¹

In addition to high rates of discrimination in the rental market, LGBTQ+ people also continue to experience discrimination when purchasing a home and securing a mortgage. People of color experience similar discriminatory and predatory practices when seeking credit, or are often met with a flat denial of credit for mortgages. For LGBTQ+ people of color living at the intersection of this discrimination, home ownership and the stability it can provide are all too often out of reach. Studies have shown that banks routinely favor different-sex couples over same-sex couples applying for mortgages by a startling 73%.² Homeownership in the transgender community is less than half the national average at only 33%.³

Discrimination in accessing credit continues to be one of the most prominent barriers for LGBTQ+ people seeking to buy a home or start a business. LGBTQ+ people frequently report denial of a loan that they are otherwise qualified for simply because of their sexual orientation or gender identity.

In the absence of uniform, nation-wide protections, many LGBTQ+ people who experience discrimination are left with little legal recourse. Discrimination on the job compounds the impact of inequality many LGBTQ+ people experience in housing, education, and healthcare and undermines the individual and family economic security. LGBTQ+ couples raising children are also twice as likely to have household incomes near the poverty line compared to their non-LGBTQ+ peers -- and single LGBTQ+ people are three times more likely to live near the poverty threshold as their non-LGBTQ peers.⁴

Enactment of the Equality Act (H.R. 5) would serve as a critical tool towards ending this discrimination nationwide by providing explicit, uniform protections across public life including employment, housing, education, jury service, credit, federally funded programs, and public places and spaces. The Equality Act would ensure LGBTQ+ Americans would be afforded equal protection under the law without having to depend upon federal court interpretations of sex discrimination statutes where they exist and providing protections where there are currently no

¹ *LGBT-Based Sex Discrimination Charges FY 2013–FY 2020*, U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, https://www.eeoc.gov/eeoc/statistics/enforcement/lgbt_sex_based.cfm (in FY 2013, the number of LGBT-based discrimination complaints received was 808; 7 years later—in FY 2020—the number climbed to 1,857.)

² Hua Sun and Lei Gao, *Lending Practices to Same-Sex Borrowers*, Proceedings of the National Academy of Sciences, (May 2019), 116 (19) 9293-9302.

³ *The LGBTQ Community: Buying and Renting Homes*, The Federal Home Loan Mortgage Corporation (May 2018), <http://www.freddiemac.com/fmac>

⁴ *Id.*

sex nondiscrimination provisions.

Paid Family Leave

The Covid-19 pandemic has proved that many workplaces are not prepared to accommodate employees with illness and care-giving responsibilities. LGBTQ+ communities have been particularly affected due to lack of access to traditional family structure and support. The United States puts workers' safety, employment, economic security, and health at risk by failing to provide a national paid leave policy.⁵ Accessible, uniform paid sick leave is essential to closing the gap created by illness and fostering family well-being.

The lack of comprehensive paid leave is a shared experience experienced across many communities. However, LGBTQ+ individuals and our families are uniquely impacted by these all-or-nothing policies. One in five LGBTQ+ workers have reported that fears of discrimination prevented them from requesting leave – paid or not – if it would require disclosing their LGBTQ+ identity.⁶ According to a 2018 HRC survey of LGBTQ+ workers, fewer than half of respondents reported that their employer's policies cover new parents of all genders equally.⁷ LGBTQ+ individuals who take time off face heightened challenges in accessing paid leave policies even where they do exist. We know that LGBTQ+ workers facing illness or managing a chronic medical issue like HIV are often left with leave policies that are under-inclusive at best.

LGBTQ+ individuals and families live in every state and county across the nation. We reflect the breadth of diversity and lived experiences of the communities in which we live. However, our families too often face familiar challenges and barriers to success and financial stability. Illness or chronic care management can strain families in the best of circumstances, but too many in our community are one paycheck away from financial disaster. Our families need and deserve better. I urge Congress to act to ensure that all workers, regardless of who they are or whom they love, have the ability to take paid leave when it matters the most.

Childcare

LGBTQ+ people are more likely to live in poverty as a result of the effects of discrimination, bias, and denial of economic opportunity. The children of LGBTQ+ parents are especially vulnerable to poverty. In fact, 43% of lesbian, gay and bisexual adults aged 18 to 44 raising

⁵ Lindsay Mahowland and Diana Boesch, *Making the Case for Chosen Family Leave in Paid Family and Medical Leave Policies*, Center for American Progress, (Feb. 16, 2021), <https://www.americanprogress.org/issues/LGBTQ+-rights/news/2021/02/16/495680/making-case-chosen-family-paid-family-medical-leave-policies/>

⁶ *Id.*

⁷ Johnson, A.; Lee, M.; Maxwell, M.; Miranda, L. (2018). *2018 U.S. LGBTQ+ Paid Leave Survey*, Washington, DC: Human Rights Campaign Foundation.

children live in poverty.⁸ As the pandemic continues to drastically alter life in the United States, it continues to reveal—and deepen—disparities that have long existed for LGBTQ+ families. A study surrounding the disproportionate impacts of COVID-19 on LGBTQ+ households in the U.S. found that “LGBTQ+ people and their families are more likely to experience job losses and economic challenges resulting from the pandemic . . . and that they are struggling to manage work and childcare responsibilities—all at higher rates than non-LGBTQ+ people.”⁹ Since the pandemic, 66% of LGBTQ+ households have had a serious financial problem vs. 44% of non-LGBTQ+ households, and 52% of LGBTQ+ households with children were having trouble keeping their children’s education going vs. 36% of non-LGBTQ+ households with children.¹⁰

The truth is that childcare costs are often prohibitive, causing deep financial strains for millions of families across the country. For low-income families, this is an almost insurmountable barrier to overcome. Government-based economic programs and policies to help families are essential yet applied unevenly based on family structure. Governments use “inconsistent definitions of family to determine assistance, including whether or not parents are married or whether they have legal ties to their children.”¹¹ This lack of family recognition means these programs designed to support families often exclude LGBTQ+ families. For LGBTQ+ families with children, who are more likely to be living in poverty than non-LGBTQ+ families, and who are facing increased hardships due to the pandemic, these disparities make childcare difficult to obtain.¹²

These findings point to a need for targeted assistance and explicit protections for LGBTQ+ families from discrimination as our country continues to persevere and overcome the pandemic.

Workforce Training

Opportunities to advance in the workplace are critical for the survival of LGBTQ+ individuals and their families. Despite comprising 88% of the workforce¹³, there are many intersecting barriers for LGBTQ+ employees, including but not limited to, workplace discrimination, education, and poverty. 27% of transgender workers reported being denied work and/or

⁸ Social Justice Sexuality Project, *Intersecting Injustice: A National Call to Action Addressing LGBTQ+ Poverty and Economic Justice for All* (2018).

⁹ Movement Advancement Project, *The Disproportionate Impacts of COVID-19 on LGBTQ+ Households in the U.S.* (Nov. 2020).

¹⁰ *Id.*

¹¹ Jennifer Chrisler, Laura Deaton, and Jeff Krehely, *The Changing Reality of the American Family*, Center for American Progress (Jan. 27, 2012), <https://www.americanprogress.org/issues/LGBTQ+-rights/reports/2012/01/27/11009/the-changing-reality-of-the-american-family/>.

¹² M.V. Lee Badgett, Soon Kyu Choi, and Bianca D.M. Wilson, *LGBT Poverty in the United States*, The Williams Institute (2019).

¹³ LGBTQ People in the Workplace: Demographics, Experiences and Pathways to Equity, Movement Advancement Project and the National LGBTQ Workers Center, (2019), <https://www.lgbtmap.org/file/LGBT-Workers-3-Page-FINAL.pdf>

promotion or fired from 2016 to 2017.¹⁴ LGBTQ+ workers are also not paid or promoted at the same rate of their non-LGBTQ+ colleagues.¹⁵ These rates of discrimination are twice as high for transgender employees and LGBTQ+ employees of color.¹⁶

In educational settings, LGBTQ+ students face staggering rates of discrimination based on their sexual orientation or gender identity.¹⁷ This discrimination is higher for LGBTQ+ students of color. Hostile school climates and discriminatory policies and practices lead to higher drop-out rates. LGBTQ+ students, especially LGBTQ+ students of color, are at risk of dropping out of educational programs if they face discrimination and lack support.¹⁸ Students that risk dropping out or do drop out of educational programs are also likely to be at a higher risk for negative future outcomes, like interactions with the criminal justice system or higher rates of poverty. There is a direct correlation between hostile educational environments and barriers to access to the workforce. When LGBTQ+ students face discrimination at school, they are more likely to face barriers in other areas of their lives.

Combined, these challenges present overwhelming barriers to career development and general workplace advancement. This is especially true for transgender workers, who are at a greater risk of unemployment and mistreatment at work. Studies have found that more than 40% of all LGBTQ+ employees report receiving unfair treatment at work in the context of hiring, pay, or promotion decisions.¹⁹ Transgender workers report harassment and mistreatment at even higher rates—nearly 97% of transgender workers have experienced harassment or mistreatment at work as a result of their gender identity.²⁰ And while it is vital to address the overall workplace climate for LGBTQ+ workers nationwide, it is also imperative that those same workers can receive workforce training in order to ensure they have the skills to participate in the modern workplace.

¹⁴ Sandy E. James, Jody L. Herman, Susan Rankin, Mara Keisling, Lisa Mottet, and Ma'ayan Anadi, National Center for Transgender Equality (2016), *The Report of the 2015 U.S. Transgender Survey*. P. 148

¹⁵ National Public Radio, the Robert Wood Johnson Foundation, and The Harvard T.H. Chan School of Public Health (2017), *Discrimination in America: Experiences and Views of LGBTQ Americans*. In 2017, 22% LGBTQ+ employees reported that they were not paid or promoted at the same rate of non-LGBTQ+ employees within their organizations and companies.

¹⁶ *Id.*

¹⁷ Neal Palmer, Emily Greytak, and Joseph Kosciw, *Educational Exclusion: Drop Out, Push Out, and the School-to-Prison Pipeline among LGBTQ+ Youth*, GLSEN, (2016), https://www.glsen.org/sites/default/files/2019-11/Educational_Exclusion_2013.pdf

¹⁸ *Id.*

¹⁹ The White House, *FACT SHEET: Taking Action to Support LGBT Workplace Equality is Good For Business*, (July 21, 2014), <http://www.whitehouse.gov/the-press-office/2014/07/21/fact-sheet-takingaction-support-lgbt-workplace-equality-good-business-0> (last accessed Feb. 27, 2017); Kurina Baksh, *Workplace Discrimination: The LGBT Workforce*, The Huffington Post (June 22, 2016),

http://www.huffingtonpost.com/kurina-baksh/workplace-discrimination-b_10606030.html, (last accessed Feb. 27, 2017).

²⁰ *Id.*; Kurina Baksh, *Workplace Discrimination: The LGBT Workforce*, The Huffington Post (June 22, 2016), http://www.huffingtonpost.com/kurina-baksh/workplace-discrimination-b_10606030.html, (last accessed Feb. 27, 2017).

Programs that provide job readiness training and employment support offer invaluable guidance and resources for those who have experienced the impact of anti-LGBTQ discrimination in school and the workplace. Importantly, they provide a roadmap to career success and empower LGBTQ+ people to enter the workforce with confidence in their own skills and abilities.

Violence Against the Trans Community

Transgender and gender non-conforming people face a disproportionate rate of violence compared to the general population. Rates are even higher for transgender and gender non-conforming people of color. 72% of reported hate murders against LGBTQ+ people were committed against transgender women. 67% of those reported murders were committed against transgender women of color.²¹

The National Center for Transgender Equality's U.S. Transgender Survey found that transgender people are more likely to face discrimination in employment and housing which makes them more likely to experience homelessness, struggle with substance abuse, and be uninsured.²² These factors contribute to being in unstable and dangerous situations which increase the risk of violence. Not only are transgender and gender non-conforming people facing anti-trans hate and violence, but also are facing discrimination which make them more susceptible to violent and dangerous situations.

2020 was the most violent year against transgender and gender non-conforming people on record since the Human Rights Campaign began tracking these hate crimes in 2013.²³ Sadly, 2021 is on track to be even more dangerous for transgender and gender non-conforming people with over 44 reported deaths, the rate of anti-transgender murders jumping 266% from last year.²⁴ More than half of the victims to these hate crimes in 2021 have been transgender women of color.²⁵

²¹ *Fighting Anti-Trans Violence*, Lambda Legal, (2021),

<https://www.lambdalegal.org/know-your-rights/article/trans-violence>

²² National Center for Transgender Equality, *The Report of the U.S. Transgender Survey*, (2015),

<https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>

²³ *Fatal Violence Against the Transgender and Gender Non-Conforming Community in 2021*, The Human Rights Campaign (2021),

<https://www.hrc.org/resources/fatal-violence-against-the-transgender-and-gender-non-conforming-community-in-2021>

²⁴ Oliver Haug, *44 Trans Americans Have Lost Their Lives to Violence This Year*, *them.* (Nov. 4, 2021),

<https://www.them.us/story/jessi-hart-rikkev-outumuro-44-trans-american-homicides>; Gloria Oladipo, *2021 on Pace to Be Deadliest Yet For Trans and Gender Non-Conforming Americans*, *The Guardian*, (Jun. 14, 2021),

<https://www.theguardian.com/world/2021/jun/14/us-trans-transgender-deaths-2021>; Jo Yurcaba, *As Anti-Trans Violence Surges, Advocates Demand Policy Reform*, *Out Politics and Policy*, NBC News, (Mar. 11, 2021),

<https://www.nbcnews.com/feature/nbc-out/anti-trans-violence-surges-advocates-demand-policy-reform-n1260485>

²⁵ Yurcaba, *supra* note 20.

These victims, like all of us, are loving partners, parents, family members, friends, and community members. They worked, went to school and attended houses of worship. They were real people--people who did not deserve to have their lives taken from them. Eliminating barriers to full economic inclusion for transgender and gender non-conforming people will have literally a life-saving impact.

Conclusion

As the impact of the COVID-19 pandemic continues to unfold, we must urgently address the disproportionate economic burden shouldered by the LGBTQ+ community. There is a valuable opportunity for the federal government to protect some of the most vulnerable in our country, and to fully promote their financial and economic inclusion.

