

August 29, 2018

Dear Conferee:

The undersigned 31 lesbian, gay, bisexual, transgender, and queer (LGBTQ) and allied organizations are writing to encourage you to protect the Supplemental Nutrition Assistance (SNAP) program and to work in a bipartisan manner to conference the Agriculture Improvement Act of 2018.

We applaud provisions in both the House and Senate bills that seek to expand SNAP's role in public health by incentivizing healthy food at retailers and farmers markets and protect programs such as The Emergency Food Assistance Program (TEFAP). We also appreciate the Senate's expansion of access to healthy food in healthcare settings through the Harvesting Health Pilot Projects, and the reduction in administrative burdens for older adults receiving SNAP and the Commodity Supplemental Food Program (CSFP) through expanded recertification periods. ***We urge you to defer to the Nutrition Title in the Senate version and reject the draconian proposals in the House's version.***

As written, the work requirements in H.R. 2 would result in many LGBTQ people losing their access to healthy, nutritious food through SNAP. This would have exceptionally negative impacts on the health and wellness of the LGBTQ community, as well as that of all low-income Americans regardless of their gender identity or sexual orientation.

According to the Williams Institute, 27% of LGBT adults—2.2 million people-- experienced food insecurity in 2014.¹ LGBTQ individuals accounted for 4.7% of all food insecure Americans in 2014 despite only 3.7% of Americans identifying as LGBT that year.²

The Supplemental Nutrition Assistance Program (SNAP) is the nation's primary nutrition assistance program, and it plays a critical role in addressing food insecurity for 44.2 million low-income individuals, including LGBTQ people.³ According to 2017 data from the Center for American Progress, LGBTQ people and their families were 2.3 times more likely to participate in SNAP than were non-LGBTQ people, with 22.7% of their nationally-representative LGBTQ survey respondents reporting using SNAP, a statistically significant difference when compared to non-LGBTQ respondents. Among LGBTQ people with a disability, 41.2% reported receiving SNAP.⁴ Thus, the House's proposed changes to SNAP would disproportionately hurt LGBTQ people.

The Williams Institute additionally found that food insecurity and SNAP participation are not distributed evenly in the LGBT community — people of color, women, bisexuals, those with children, the unmarried, and younger adults experienced the highest rates of food insecurity and SNAP participation.⁵

¹ Taylor N.T. Brown, Adam P. Romero & Gary J. Gates, Food Insecurity and SNAP Participation in the LGBT Community, The Williams Institute, (2016), available at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Food-Insecurity-and-SNAP-Participation-in-the-LGBT-Community.pdf>

² Gallup, In U.S., More Adults Identifying as LGBT, (January 11, 2017), <http://news.gallup.com/poll/201731/lgbt-identification-rises.aspx>.

³ United States Department of Agriculture, Characteristics of Supplemental Nutrition Assistance Program Households: Fiscal Year 2016, (2017), <https://fns-prod.azureedge.net/sites/default/files/ops/Characteristics2016.pdf>.

⁴ Rooney, Caitlin, et al. Protecting Basic Living Standards for LGBTQ People. Center For American Progress. (2018). Available at: <https://cdn.americanprogress.org/content/uploads/2018/08/10095627/LGBT-BenefitCuts-report.pdf>

⁵ Supra.

The House's proposal would require SNAP beneficiaries ages 18 through 59 who are not living with a disability or raising a child under six to prove once a month that they are working at least twenty hours a week, participating at least twenty hours a week in a work program, or a combination of the two. Those who cannot meet these new requirements would face harsh sanctions. The first failure would mean a loss of benefits for twelve months and each subsequent failure would bar individuals from enrolling for thirty-six months. Individuals would only regain their eligibility by working at least half-time for a month or requalifying through an exemption, such as disability.⁶

In addition to threatening food access for LGBTQ Americans, the House's version of the Nutrition Title fails to provide legal protections that would ensure that LGBTQ SNAP participants will have equal access to employment opportunities that can lift them out of poverty.

Employment discrimination is a significant factor that directly contributes to LGBTQ poverty and unemployment rates. Over half of the US population lives in a state without explicit nondiscrimination laws prohibiting employment discrimination based on sexual orientation and gender identity.⁷ A 2017 survey found that 1 in 5 LGBTQ people experienced discrimination due to their sexual orientation or gender identity when applying for jobs and 22 percent reported experiencing this discrimination in pay or promotions.⁸ Sixteen percent of respondents to the 2015 U.S. Transgender Survey reported losing their job due to their gender identity or expression. Respondents to that survey also reported a 15 percent unemployment rate, which was three times higher than the unemployment rate for the total U.S. population at the time.⁹

Additionally, the House's proposal would narrow the meaning of caregiving to solely the rearing of children below the age of six when calculating satisfaction of the work requirement. This would be damaging to the approximately 3.6 million LGBTQ Americans who are engaged in family caregiving. LGBTQ caregivers already face unique challenges in meeting the needs of chosen and biological family, including increased financial strain, poorer health, and emotional stress.¹⁰

To subject food-insecure households with LGBTQ individuals to these new time limits and work requirements with no protections or real assurances of adequate and sufficient employment and training opportunities is particularly cruel, and undermines the goals of SNAP and the entirety of the social safety net. The bill would only ensure that more people will go hungry and turn to the underground economy in order to get their basic needs met.¹¹

Furthermore, we urge you to exclude the Holding amendment, which imposes a lifetime ban on

⁶ Center for Budget and Policy Priorities, Chairman Conaway's Farm Bill Would Increase Food Insecurity and Hardship (April 18, 2018), <https://www.cbpp.org/research/food-assistance/chairman-conaways-farm-bill-would-increase-food-insecurity-and-hardship>.

⁷ Movement Advancement Project, Non-Discrimination Laws, http://www.lgbtmap.org/equality-maps/non_discrimination_laws (last modified April 13, 2018).

⁸ NPR, Robert Wood Johnson Foundation, Harvard T.H. Chan School of Public Health, Discrimination in America: Experiences and Views of LGBTQ Americans (2017), available at <https://www.npr.org/documents/2017/nov/npr-discrimination-lgbtq-final.pdf>.

⁹ Sandy E. James, The Report of the 2015 U.S. Transgender Survey, National Center for Transgender Equality (2016), available at <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>

¹⁰ Ulrike Boehmer et. al., Differences in Caregiving Outcomes and Experiences by Sexual Orientation and Gender Identity. 5.2. LGBT Health 112 (2018).

¹¹ Meredith Dank et. al., Surviving the Streets of New York: Experiences of LGBTQ Youth, YMSM, and YWSW Engaged in Survival Sex, Urban Institute (February 25, 2015), <https://www.urban.org/research/publication/surviving-streets-new-york-experiences-lgbtq-youth-ymsm-and-ywsw-engaged-survival-sex>.

food assistance for individuals found guilty of certain violent crimes after they have served their sentences. Current law denies food assistance to individuals who were found guilty of a violent crime if, after release from prison, they violate their parole or the terms of their release. The expected amendment would go further and deny food assistance to all individuals who were found guilty of certain violent crimes after they served their sentence.

We oppose this harsh and inhumane amendment as representatives of a community of individuals who are both more likely to be the victims of crime,¹² as well as be convicted of crimes.¹³ This potential law would do nothing to address the violence in our communities and will only make it more difficult for people to rehabilitate by taking food off their kitchen tables.

People with criminal histories struggle to find employment, which makes SNAP even more necessary for returning citizens, regardless of their criminal histories. Rather than using our social safety net as a form of punishment, we should expand access to SNAP and invest more in community-based anti-violence programs and programs for returning citizens.

We look forward to a reconciled Farm Bill that protects the health and well-being of all Americans, including the LGBTQ community.

Sincerely,

AIDS Alabama
AIDS Foundation of Chicago
American Psychological Association
Athlete Ally
Bailey House, Inc.
CenterLink: The Community of LGBT Centers
Equality Alabama
Equality North Carolina
Food Research & Action Center (FRAC)
FORGE, Inc.
Global Justice Institute, Metropolitan Community Churches
HIV Medicine Association
Human Rights Watch
Los Angeles LGBT Center
MAZON: A Jewish Response to Hunger
Movement Advancement Project

¹² Tasseli McKay, Shilpi Misra, & Christine Lindquist, *Violence and LGBTQ+ Communities*, RTI International (March 2017), available at https://www.rti.org/sites/default/files/rti_violence_and_lgbtq_communities.pdf (meta-analysis of crime victimization data, ultimately finding that LGBTQ+ individuals are far more likely to be the victims of verbal, physical, and sexual assault, as well as other hate-related crimes, including harassment and murder; while also noting that victimization suffered by LGBTQ+ individuals is often not reported to law enforcement officials); see also Hae young Park & Iaryna Mykhyalyshyn, *L.G.B.T. People are More Likely to Be Targets of Hate Crimes Than Any Other Minority Group*, NY TIMES (June 16, 2016), <https://www.nytimes.com/interactive/2016/06/16/us/hate-crimes-against-lgbt.html>; Shanna Felix et al., *Deconstructing the LGBT-Victimization Association: The Case of Sexual Assault and Alcohol-Related Problems*, 15 JOURNAL OF FAMILY STRENGTHS, no. 1, 2015, Art. 3, at 1, 3, available at <http://digitalcommons.library.tmc.edu/cgi/viewcontent.cgi?article=1264&context=jfs> ("Gender and sexual minorities are at a higher risk for all types of victimization, including property victimization.").

¹³ Ilan H. Meyer et al., *Incarceration Rates and Traits of Sexual Minorities in the United States: National Inmate Survey, 2011-2012*, 107 AJPH Transgender Health 234 (Feb. 2017), https://williamsinstitute.law.ucla.edu/wp-content/uploads/Meyer_Final_Proofs.LGB_In_.pdf (LGBTQ people are significantly overrepresented in prisons and jails with 40% of incarcerated women and 9% of incarcerated men self-identified as sexual minorities).

National Black Justice Coalition
National Center for Lesbian Rights
National Center for Transgender Equality
National Coalition for the Homeless
National Council of Jewish Women
National Equality Action Team (NEAT)
National LGBTQ Task Force Action Fund
National WIC Association
National Women's Law Center
Pride Action Tank
SOMA Action LGBTQ Rights Committee
Transgender Law Center
URGE: Unite for Reproductive & Gender Equity
Whitman-Walker Health
Witness to Mass Incarceration