As our nation grapples with working toward a community where diversity is celebrated as a strength, and where people from diverse communities work better together to tackle the seemingly intractable problems that prevent us from thriving it is important to ensure that the unique needs of individuals who are marginalized as a result of racial/ethnic and sexual-minority oppression are addressed. While the modern Civil Rights Movement resulted in monumental legal advancement for a country 100 years past transatlantic enslavement, Black Americans continue to experience bias, prejudice, and discrimination. This reality is compounded for Black people who identify as lesbian, gay, bisexual, transgender, queer and same gender loving (LGBTQ/SGL). The National Black Justice Coalition (NBJC), the nation’s leading civil rights organization dedicated to the empowerment of Black LGBTQ/SGL people, including people living with HIV/AIDS, exists to support the needs of those living at the intersections of racial/ethnic and sexual minority identity. Since 2003, NBJC has been on a mission to lead Black families in strengthening the bonds and bridging the gaps between the movements for racial justice and LGBTQ/SGL equality. Unfortunately there are persistent divides that relegate Black LGBTQ/SGL people to the lowest rungs of most quality of life indicators ladders including: unemployment, health disparities and low college completion rates. These individual stresses also strain families and weaken communities, which ultimately impacts our national, economic and social security.

Since taking office in 2017, the current Administration has only amplified the aforementioned disparities—further complicating the lives of Black LGBTQ/SGL people and people from other historically marginalized communities. To help inform the public about the many ways the current Administration has failed to act in the best interest of Black LGBTQ/SGL people the NBJC has produced the 2018 Federal Government Report Card. This report considers the actions and priorities of each branch of government and is informed by the NBJC Public Policy Agenda.

“\textit{It is dangerous and inaccurate to think that the current presidential Administration has been ineffective. As evidenced in this report, the current Administration has been destructively productive and the impact of their efforts will be felt for decades to come.”} —David Johns

There should be little surprise that the current federal government is failing on every major issue impacting
Black LGBTQ/SGL people, families and communities. This current Administration has roll backed critical protections for transgender students and surged the “War on Drugs.” These priorities have been advanced while the Administration has bent over backwards to ensure tax cuts for the wealthiest Americans, while relentlessly pursuing efforts to repeal the Affordable Care Act, which has provided healthcare for millions. The administration has grossly under funded the 2020 Census, adding a racist citizenship question that we know will result in under counting and fewer federal resources for communities with disproportionate need. The 115th Congress has done little to stand up against or provide oversight over the current administration, which continues to break precedents and good faith daily. The lack of will to protect the American people will impact our collective futures for decades to come.

In his farewell address, President Barack Hussein Obama stated the following:

Understand, democracy does not require uniformity. Our founders quarreled and compromised, and expected us to do the same. But they knew that democracy does require a basic sense of solidarity—the idea that for all our outward differences, we are all in this together; that we rise or fall as one.

It is this spirit of solidarity that NBJC works to advance an intersectional public policy agenda that centers the most marginalized members of our community. We know that when prioritize the least of us—people of color, immigrant populations, people living with HIV, and people impacted by the criminal justice system—every single member of our nation will benefit. We celebrate, educate and advocate for the empowerment of Black LGBTQ/SGL people and our families as a means to achieve intersectional justice, which makes our nation stronger.

Brother Marcus Garvey told us that “When all else fails to organize, conditions will.” This wisdom informs the path before us, which requires that we not only absorb critical information but we move to strategic action. The challenges we face today may seem insurmountable; however, if we work better together to address the needs of the members of our community most often neglected and ignored we can win. It is our hope that this evaluation of our nation’s government not only informs you, but also inspires you to take action. That could be through exercising your right to vote, or registering others to vote. Consider running for office or making your voice heard at public political meetings and and in spaces where political decisions are being made. Whatever you do, do something. The future and stability of our democracy depends on it!

Yours in love and continued struggle,

David J. Johns
Executive Director

NBJC POLICY PILLARS

- HEALTH & WELLNESS
- FAMILY & RELATIONSHIP RECOGNITION
- CRIMINAL JUSTICE
- EMPLOYMENT NON-DISCRIMINATION
- HOUSING
- SAFE AND INCLUSIVE SCHOOLS
Federal Government Report Card: Presidential & Executive Branch Evaluation
Since the 45th President took office, the world has witnessed a swift erosion of American institutions and values. During the Obama Administration, progress was made to advance both racial justice and LGBTQ equality; however, since taking office, the Trump Administration has rolled back many of these advancements, threatening the strength and stability of our nation. The following evaluation of the 45th President and his Administration highlight dangerous actions that have been taken since January 2017. This evaluation is informed by NBJC’s public policy priorities and describes some of the ways this Administration has stymied the advancement of public policies and executive actions that would empower Black communities, LGBTQ/SGL communities, and other underserved populations.
“I think we’re probably in that position where we’ll let Obamacare fail. We’re not going to own it. I’m not going to own it. I can tell you, the Republicans are not going to own it.”

— Donald Trump to reporters on July 18, 2017

Since taking office, the 45th President has been resolute in dismantling the Affordable Care Act (ACA), also known as Obamacare. The ACA has provided healthcare to millions of Americans, ensuring pre-existing conditions were not used to deny health insurance. Because of the ACA, and the expansion of the Medicaid program, Black communities, LGBTQ people, the disability community and other underserved populations have seen a significant increase in access to affordable health care. For example, the uninsured rate of nonelderly Black Americans decreased by more than one-third between 2013 and 2016. Additionally, a 2013 study found that nearly 390,000 uninsured LGBTQ/SGL individuals could qualify for Medicaid in states that planned to expand the program, and 1.12 million uninsured LGBTQ/SGL individuals could receive subsidies to help with the cost of coverage.

The following executive actions highlight the current Administration’s willingness to harm millions of Americans by implementing policies that would deny access to healthcare and other wellness programs:

• Nominated Neil Gorsuch to the Supreme Court, a conservative federal jurist with a history of restricting services and reproductive and civil rights, and supporting corporations over individuals. Gorsuch was confirmed in April 2017 replacing the late Justice Antonin Scalia and solidifying a conservative majority.

• Delay of implementation of the Home and Community Based Services settings rule, which enforces the right of people with disabilities to live in the community.

• Requested Congress to significantly reduce the budget and staff of the Department of Health and Human Services’ Office for Civil Rights, which protects against discrimination in the healthcare industry.

• Supported a repeal of the ACA, which will result in 8.7 million people of color losing Medicaid coverage by 2026. That number includes 2.9 million Black Americans; 4.7 million Hispanic Americans; and 1.2 million Asian Americans, Native Hawaiians, Pacific Islanders, American Indians, Aleutians, Eskimos, and people of two or more races.
• **Fired all the members of the Presidential Advisory Council on HIV/AIDS.** - December 2017

• The US Environmental Protection Agency's (EPA) Office of Environmental Justice protects low-income communities and communities of color from environmental hazards such as toxic waste and air pollution. The Trump administration desires to eliminate the entire office, jeopardizing the health and safety of all Americans. - **May 2017**

• Supported a proposal to defund Planned Parenthood, in spite of the fact that nearly 1 million people of color rely upon the organization for health services, physicals, cancer screenings, and contraceptive care. - **June 2017**

• Justice Department’s Civil Rights Division sent a letter to 44 states demanding extensive information on how they maintain voter rolls. This request was made on the same day the President’s so-called Commission on Election Integrity sent letters to all 50 states demanding intrusive and highly sensitive personal data about registered voters. - **June 2017**

• Issued the third version of the “Muslim Ban,” which targets people based on their religion. Courts across the country declared the first two versions of the ban unconstitutional; however, the Supreme Court permitted the government to proceed with a limited version of the ban. - **September 2017**

• Issued an executive order allowing employers to deny women the right to contraceptive care. 58 percent of Black women between the ages of 15 and 44 use some form of birth control. - **October 2017**

• The Trump administration failed to secure a timely reauthorization for the Children’s Health Insurance Program (CHIP), which provides health insurance to over 9 million children. This, in conjunction with the Administration’s proposal to slash Medicaid funding, threaten programs that provide health coverage for 56 percent of Black children, 52 percent of Latinx children, and 25 percent of Asian children. Congress passed legislation to restore funding in 2018. - **October 2017**

• Signed into law the Tax Cuts & Job Acts, eliminating the individual mandate. - **December 2017**

• Created an agency within Department of Health and Human Services (Division of Conscience and Religious Freedom) to protect health care providers’ religious liberties. NBJC is concerned this agency will provide doctors, nurses, and other medical professionals license to discriminate against LGBTQ/SGL people and religious minorities. - **January 2018**

• Proposed the “Domestic Gag Rule”, which would prohibit abortion referral in Title X—the sole federal grant program that provides access to comprehensive contraceptive and related family planning services; undermine patients’ right to unbiased, comprehensive counseling about pregnancy options; and exclude agencies that provide abortion using non-federal dollars from receiving any Title X funds. - **June 2018**

• Supported the appointment of personnel to the Administration for Community Living who are staunch advocates for segregated housing and institutions over the rights of people with disabilities to live in
communities with their families and friends. - July 2018

- Trump nominated Brett Kavanaugh to be his second nominee to the Supreme Court in July of 2018. NBJC publicly opposed Kavanaugh’s nomination to the Supreme Court due to his extreme record of blocking the advancement of the lives of people of color, working class people, and LGBTQ/SGL people. - July 2018

- Added a citizenship question to the 2020 Census, which will likely result in undercounting communities of color. NBJC has publicly opposed this decision and sent a letter to the Commerce Department expressing concern, especially given scientific evidence that the question will undermine an accurate count. Even before the citizenship question was officially added, state and local officials and community leaders were deeply concerned about the difficulty of achieving robust participation in many hard to count communities. This question has drawn intense opposition from a nonpartisan and ideologically diverse stakeholders who understand how much is at stake. This groundswell of opposition includes more than 160 Republican and Democratic mayors, six former directors of the Census Bureau and two former Commerce Secretaries from Republican and Democratic administrations, 171 civil and human rights groups, more than 600 faith leaders, more than 120 of members of the US House of Representatives, and many others united in their deep-seated concern that an untested citizenship question will compromise the 2020 Census jeopardizing the quality and accuracy of census data for all communities in perpetuity. - March 2018
Family & Relationship Recognition

NBJC recognizes that families come in many forms including biological families and those we choose. Most safety net programs use an archaic definition of family, restricting many people from receiving benefits that would allow them to support their family. It is worth noting that Black LGBTQ/SGL people are more likely to raise children in states that lack critical protections for non-traditional parents/guardians. Our nation must invest in policy-based initiatives that strengthen families, communities, and ultimately, the country.

“We know that it’s the family and the church, not government officials, that know best how to create strong and loving communities. And above all else, we know this: In America, we don’t worship government — we worship God. Inspired by that conviction, we are returning moral clarity to our view of the world and the many grave challenges we face.”

— Donald Trump to Values Voter Summit on October 13, 2017

The Trump Administration has done little to advance policies that allow LGBTQ/SGL people to support and strengthen their families via adoption, surrogacy or other methods otherwise protected by law. Instead of advancing policies that support all families, the current Administration’s “religious freedom” executive order has negative implications for LGBTQ/SGL people and families:

- Less than 24 hours after signing an executive order to “protect religious liberty”, legislatures in Kansas and Oklahoma passed bills that would allow faith-based adoption agencies, including those that receive public funds, to cite religious beliefs as a reason for not placing children in LGBTQ/SGL homes. - May 2018

- The aforementioned action was followed by Republican amendments in Congress to expand this license to discriminate against potential LGBTQ/SGL parents by exempting state adoption agencies from non-discrimination rules designed to prohibit this form of discrimination. - July 2018

Religious Liberty statues and actions as described above would negatively impact the lives of people with disabilities who live in religiously affiliated nursing homes/care facilities or receive services from religiously affiliated personal care providers.
NBJC believes prisons, profit, policing, and poverty are intimately connected. For Black LGBTQ/SGL people, experiences with law enforcement, the justice system, and the lack of resources for ex-offenders to rebuild their lives are inextricably linked to racism and LGBTQ/SGL discrimination and bias. Research shows that LGBTQ/SGL people of color are overrepresented in US jails and prisons. In addition, LGBTQ/SGL people of color are disproportionately impacted by discriminatory HIV criminalization laws and policies that promote hyper-surveillance often resulting in the incarceration of sex workers or those assumed to be sex workers.

“And when you see these towns and when you see these thugs being thrown into the back of a paddy wagon — you just see them thrown in, rough — I said, please don’t be too nice. Like when you guys put somebody in the car and you’re protecting their head, you know, the way you put their hand over? Like, don’t hit their head and they’ve just killed somebody — don’t hit their head. I said, you can take the hand away, okay?”

— Donald Trump to Long Island, NY Law Enforcement Official, July 28, 2017

The Trump Administration believes police force and jails are essential. From the first day of his administration, Donald Trump affirmed stereotypes about cities and towns gutted by crime—in spite of the fact that crime rates continue to be at their lowest in decades. Deceptive rhetoric and discriminatory policy actions at the Department of Justice (DOJ) under Attorney General Jefferson Beauregard Sessions have stymied progress on criminal justice reform. The following list of executive actions demonstrate the Trump Administration’s dangerous pursuit of punitive policies that only add to our nation’s mass incarceration crisis:

- Attorney General Sessions reversed a DOJ plan to reduce its use of private prisons that profit from the war on drugs by incarcerating a disproportionate share of people of color.- **February 2017**

- Trump Issued three executive orders to expand police power: - **February 2017**

  1. The first executive order directs Attorney General Sessions to prosecute individuals who commit or attempt to commit crimes of violence against law enforcement officers. This executive order is duplicative as there are laws in all 50 states and at the federal level that criminalize violence against law enforcement officers.
2. The second executive order directs the Attorney General to create a Task Force on Crime Reduction and Public Safety to develop strategies to reduce “crime.” The order specifically cites the need for policies that address “illegal” immigration, drug trafficking and violent crime.

3. The third executive order directs the Attorney General, the Department of Homeland Security, and the Director of National Intelligence to co-chair the existing Threat Mitigation Working Group to prosecute transnational criminal organizations like drug cartels.

- The 45th President pardoned former Sheriff Joe Arpaio of Arizona, who was found guilty of criminal contempt for disregarding a court order to stop illegally profiling and detaining Latinos based on perceived immigration status. - August 2017

- The DOJ announced that it would not bring civil rights charges against the Baltimore police officers who arrested Freddie Gray. - September 2017

- The current Administration’s 2019 budget proposal would effectively eliminate the Community Relations Service (CRS), the DOJ’s “Peacemaker” useful for helping to resolve community conflicts and tensions arising from differences of race, color, national origin, gender, gender identity, sexual orientation, religion and disability. - February 2018

- Adopted and later reversed a zero-tolerance immigration policy that included prosecuting parents traveling with their children as well as individuals who subsequently attempted to request asylum. Under this policy, undocumented parents and children are forcibly separated from each other. - April 2018

- The Federal Bureau of Prisons released changes to its Transgender Offender Manual that rolled back protections allowing transgender inmates to use facilities, including bathrooms and cell blocks, that correspond to their gender identity. - May 2018

- The Attorney General overturned Obama-era approaches to criminal justice by directing prosecutors to pursue the harshest drug sentences, without consideration of an individual’s role in an alleged drug conspiracy. This reversal will exacerbate the over incarceration of Black Americans, who remain more than twice as likely to be arrested for drug possession than white Americans. - May 2017
The Trump Administration has permitted discrimination via “religious freedom” initiatives and executive orders that create pathways for states and localities to discriminate on the basis of religion. The following actions highlight the current Administration’s efforts to legalize discrimination:

- Trump maintained existing executive orders prohibiting the federal government and federal contractors from discriminating against employees based on sexual orientation and gender identity. This action seems positive on the surface, but in relation to other administration actions or inactions that permit discrimination, it does not significantly impact the lives of LGBTQ/SGL people. - January 2017

- Trump initiated a ban on transgender service members in the military via a tweet, which led to a legal battle between the Federal Courts and the current Administration. In response to legal challenges, the Administration then released a new detailed ban on March 23, 2018, which was later stopped by federal courts. This Federal Courts intervention enables transgender people to continue serving until a court decision mandates otherwise. - August 2017

- The Justice Department argued that anti-gay discrimination is legal, filing a friend-of-the-court amicus brief claiming that the federal Civil Rights Act does not protect gay, lesbian or bisexual workers. The lawsuit in this case was filed by Donald Zarda, a skydiving instructor who says an employer, Altitude Express, fired him due to his sexual orientation. The Justice Department, in effect, argued that this action was legal under federal law. - July 2017

- In August, the Administration halted the implementation of the Obama-era Employer Information Report, or EEO-1 form, update, which would have confidentially collected pay data disaggregated by gender, race, and ethnicity. Pay data is used by federal enforcement agencies to uncover wage discrimination against women of color, who face some of the largest wage gaps across all industries. - August 2018

- Religious Liberty laws that legalize employment discrimination of LGBTQ/SGL people would also impact the ability to sue on the grounds of disability discrimination.
• Under Trump, the Department of Justice rescinded another Obama-era guidance that said transgender workers are protected under civil rights law. This has enabled the federal government to now argue in court that anti-transgender discrimination is not illegal under federal law. - October 2017
The current Administration has made work requirements a central component of their efforts to cut programs at the Department of Housing and Urban Development (HUD). The following is a list of dangerous actions that the Trump Administration has taken:

• Nominated Ben Carson, a neurosurgeon who admittedly has no experience in housing policy, to run HUD. - January 2017

• Under Trump, HUD withdrew two tools to assist HUD services designed to protect LGBTQ/SGL people experiencing homelessness. - March 2017

  1. One proposed policy requires HUD-funded emergency shelters to put up a poster or otherwise provide notice to residents of their right to be free from anti-LGBTQ discrimination. This is still a HUD requirement; however, no guidance has been provided to shelters or other grantees.

  2. The second withdrew a survey to evaluate the impact of the LGBTQ Youth Homelessness Prevention Initiative, implemented by HUD and other agencies during the Obama-era. The assessment was reinstated months later by HUD following pressure from LGBTQ and housing advocates.

• The current Administration signed the “Reducing Poverty in America by Promoting Opportunity and Economic Mobility” executive order directing multiple federal agencies, including HUD, to enforce...
existing, and propose new, requirements. Work requirements for housing subsidies are problematic. In addition, many of the individuals receiving subsidies are elderly, disabled or unable to perform the type of work required. -April 2018

- The HUD Secretary announced plans to rollback the Affirmatively Furthering Fair Housing rule, a July 2015 regulation that required HUD grantees receiving federal funding to identify and address any barriers (like racial segregation) to fair housing. HUD has begun the formal process of reviewing this regulation because the current Administration believes the rule is “confusing, difficult to use, contained errors, and frequently produced unacceptable assessments, and otherwise required an unsustainable level of technical assistance.” This change will eliminate core requirements of HUD grantees to ensure they are not discriminating against clients. -August 2018

The current Administration’s first budget proposed cutting $6.2 billion from HUD, which provides subsidized housing to more than 9 million people, including 4.2 million Black Americans and 1.8 million Hispanic people. -May 2017
Under current Administration, the Department of Education has rescinded protections for the most vulnerable students including transgender students and sexual assault survivors. In addition, the focus on school choice and reduction in federal support for public education undermines quality learning and development opportunities for all Americans. The following is a list of dangerous actions that the Trump Administration has taken:

- Nominated Betsy DeVos, a “school choice” zealot with no expertise in public schools or education to run the Department of Education (DOE). School choice policies tend to benefit private industry and wealthy students at the expense of low-income students. In addition, during her confirmation about students with disabilities, DeVos displayed gross incompetence about the means to support this demographic in school settings. - January 2017

- The Justice Department’s Civil Rights Division and the Department of Education’s Office for Civil Rights jointly rescinded Title IX guidance clarifying protections under the law for transgender students. This reversal takes away clear rules protecting transgender students in school settings and will likely lead to further school-based discrimination towards transgender students. - February 2017

- Signed an executive order recognizing the importance of Historically Black Colleges and Universities (HBCUs) which also moved the White House Initiative on HBCUs from the Department of Education into the executive office of the White House. However, the order did nothing to provide actual federal resources to these institutions. - February 2017

“HBCUs are real pioneers when it comes to school choice. They are living proof that when more options are provided to students, they are afforded greater access and greater quality.”

— DOE Secretary Betsy DeVos in a written statement on February 28, 2017
• Proposed deep cuts to public school programs in pursuit of school choice investments like vouchers. These voucher programs remove due process protections for students with disabilities. - May 2017

• Proposed freezing Pell Grant awards, which help nearly two-thirds of Black students and half of Latino students pay for college. - May 2017

• Questioned the constitutionality of a federal construction financing program that serves HBCUs and proposed cutting federal financial aid programs. - May 2017

• Halted the Obama-era gainful employment rule and borrower defense rule, regulations designed to protect students and taxpayers from fraud committed by predatory for-profit institutions. - June 2017

• Secretary DeVos rescinded 72 guidelines protecting the rights of students with disabilities. - October 2017

• Delayed Disproportionality Rule, called the “Equity in IDEA” rule tied to data collection and identification and services to students of color with disabilities. - June 2018

• The DOE withdrew Obama-era guidance on campus sexual assault. In their replacement guidance, DOE permits schools to use a higher standard of proof (“clear and convincing evidence) than the Obama-era standard of “preponderance of evidence” when determining sexual assault claims, meaning it will be more difficult for survivors of campus sexual assault to get justice. - September 2017
CALL TO ACTION

The destructive actions of the current administration and so many leaders elected to support and strengthen our communities and country demand that we make all voices heard. The stability and future depends on our civic and political engagement today. NBJC has provided important information with the hope that it will help you get involved in advancing an intersectional public policy agenda.

Our collective liberation depends on our collective actions!

Know Your Federal Representation & Legislation

CONGRESS.GOV
Learn who represents you in Congress and what legislative proposals they are advancing on your behalf of Congress.gov.

WHITE HOUSE NUMBERS
Raise Your Voice. Own Your Power.
Comments: 202-456-1111
Switchboard: 202-456-1414

CALL YOUR MEMBER OF CONGRESS VIA THE CAPITOL SWITCHBOARD
202-224-3121

“Voting is the only way to ensure that our values and priorities are represented in the halls of power. And it’s not enough to just vote for president every four years. We all have to vote in every single election.”

Michelle Obama

REGISTER TO VOTE TODAY!
NBJC has partnered with When We All Vote to mobilize our communities to register to vote and take action to ensure our elected officials are advancing an intersectional social justice agenda.

Because When We All Vote, we can change the world.