APA's Public Interest (PI) Directorate Government Relations Office (GRO) advocates at the federal level to apply psychology to the fundamental problems of human welfare and social justice and the promotion of equitable and just treatment of all segments of society.

In 2007, APA adopted a resolution on “Opposing Discriminatory Legislation & Initiatives Aimed at Lesbian, Gay, & Bisexual Persons”, and another policy statement on “Transgender, Gender Identity & Gender Expression Non-Discrimination” in 2008. As stated in these resolutions, not only is there no basis for discrimination against LGBT individuals, but such discrimination is also harmful to their mental health and the public good. Research has shown that social support, including the support of spousal and family relationships, contributes significantly to the health and well-being of same-sex couples and their families. APA's longstanding commitment to ending discriminatory practices targeting lesbian, gay, bisexual and transgendered (LGBT) persons is evidenced in PI-GRO’s legislative priorities in the 113th Congress.

**LGBT Specific Legislation**


Federal law does not include sexual orientation or gender identity in provisions to eliminate workplace discrimination. Although some states have anti-discrimination laws prohibiting discrimination based on sexual orientation or gender identity, most do not. The Employment Non-Discrimination Act extends protections from discrimination in the workplace to include sexual orientation and gender identity. Specifically, this critical bill would:

- Add sexual orientation and gender identity to the existing list of discrimination protections, which currently includes race, religion, gender, national origin, age, and disability
- Disallow the use of sexual orientation and gender identity in employment decisions
- Prohibit different standards or treatment in employment settings based on real or perceived sexual orientation or gender identity

The Senate HELP Committee passed ENDA with a strong bipartisan 15 to 7 vote on July 10th. The bill next moves to the full Senate for vote. The House of Representatives has not yet taken up H.R. 1755.

**Every Child Deserves a Family Act (S.1069/ H.R.2028)**

Despite the shortage of qualified individuals willing to adopt or foster a child in the child welfare system, current placement systems often discriminate based on sexual orientation, gender identity, and marital status. This discrimination prevents thousands of children from being placed in a permanent and safe home. The Every Child Deserves a Family Act aims to prohibit discrimination in adoption or foster care placements based on sexual orientation, gender identity, or marital status by:

- Prohibiting discrimination based on these factors for any entity involved in adoption or foster care placements that receives or contracts with an agency that receives federal assistance
- Allowing those who are discriminated against to bring their case forward to court
- Requiring the U.S. Secretary of Health and Human Services to provide guidance and technical assistance to ensure compliance

**Family and Medical Leave Inclusion Act (S.846 / H.R.1751)**

While the current Family and Medical Leave Act (FMLA) permits employees to take leave to care for their spouse and select family members, it does not include domestic partners or other extended family members (e.g., grandparents or adult children). The Family and Medical Leave Inclusion Act would amend FMLA to allow employee leave to care for a domestic partner or his or her child, adult children, grandparents, grandchildren, parent-in-laws, and siblings with a serious health condition.

**Stop Harming our Kids Act (Not yet introduced in 113th Congress)**

The resolution seeks to protect minors from dangerous or harmful attempts to change sexual orientation, gender identity, or gender expression. In order to accomplish this, The Stop Harming our Kids Act calls for states to take steps to restrict and eliminate therapy efforts that aim to change sexual orientation, gender identity, or gender expression. Although APA does not have a position on the Stop Harming our Kids Act, the association has been actively tracking this resolution as Rep. Speier prepares for reintroduction. APA has worked to provide staff and member expertise to policy makers and advocacy organizations upon request to ensure the scientific accuracy of statements made within the resolution.
Student Non-Discrimination Act of 2013 (H.R.1652)

While Federal statutory provisions related to discrimination and harassment in schools expressly address discrimination on the basis of race, color, sex, religion, disability, and national origin, they do not do so on the basis of sexual orientation or gender identity. The Student Non-Discrimination Act of 2013 addresses the serious problem of harassment and discrimination against LGBT students by:

- Prohibiting discrimination and harassment based on actual or perceived sexual orientation or gender identity of students in federally funded schools
- Providing aggrieved students with legal recourse in the event of such discrimination and harassment

Uniting American Families Act of 2013 (S.296/H.R. 519)

Currently, binational same-sex couples are not provided with the same immigration provisions allotted to opposite-sex couples. While the opposite-sex spouses of US citizens can be permitted residency, the US federal government does not recognize same-sex marriages or partnerships as a criteria for residency. The Uniting American Families Act of 2013 aims to address this gap by:

- Defining a permanent partner as an individual 18 or older who is in a committed, lifelong, financially interdependent, intimate relationship and a permanent partnership as a relationship between two permanent partners
- Adding permanent partner and permanent partnerships to the Immigration and Nationality Act such that they are included in the same way as spouse and marriage

The Supreme Court struck down the federal Defense of Marriage Act (DOMA) with its decision in U.S. vs. Windsor. The Court ruled that Sec. 3 of DOMA, the law that limited federal marriage recognition to opposite-sex couples, is unconstitutional. Because immigration law is federal law, there should be no need for further congressional action to provide relief to legally married same sex couples.

Legislation with LGBT Provisions

In addition to the important LGBT specific legislation that has been introduced in the 113th Congress, several key bills have been introduced or passed into law that include provisions relevant to LGBT populations.

Border Security, Economic Opportunity, and Immigration Modernization Act (S.744)

Recently the Senate passed S.774, a comprehensive immigration reform bill. While this bill is broad in scope and includes numerous provisions across diverse areas, two amendments were adopted that are relevant to LGBT populations. The first amendment was brought forth by Sen. Blumenthal (D-CT). This amendment, which was adopted by voice vote in Senate Judiciary Committee, provides direction on involuntary solitary confinement such that it may not occur based solely on factors such as sexual orientation or gender identity. Second, Sen. Leahy (D-VT) authored an amendment that would allow U.S. citizens to sponsor their same-sex partners in family-based immigration proceedings. After substantial pressure from Senate Republicans, who threatened to withdraw support for the larger bill if the Leahy amendment was added, Sen. Leahy withdrew this amendment from consideration. The House of Representatives has not yet taken up the Senate bill.

Health Equity and Accountability Act (Introduction anticipated in September 2013)

The Health Equity and Accountability Act (HEAA) is a comprehensive bill to reduce ethnic and racial health disparities. The focus of this bill is to provide federal support, resources and policies to tackle disparities in health status and the health care system at all levels. The bill includes provisions to increase resources for the collection and reporting of health data related to sexual orientation and gender identity and provision to reduce HIV/AIDS related health disparities among racial and ethnic minorities. Rep. Lucille Roybal-Allard (D-CA) is expected to introduce the bill on behalf of the Congressional Tricaucus (CHC, CBC and CAPAC) this fall.

Safe Schools Improvement Act (S.403/H.R.1199)

The Safe Schools Improvement Act is a broad bill aimed at reducing bullying and harassment in schools. This bill calls for the development of policies and programs to prevent and prohibit bullying and harassment, as well as the collection of data and evaluation of these policies and programs. Importantly, the Safe Schools Improvement Act includes real or perceived sexual orientation and gender identity in the list of characteristics for which bullying is prohibited.

Violence Against Women Act (Public Law 113-4)

The Violence Against Women Reauthorization Act of 2013 (VAWA), which passed into law on March 7, 2013, included important provisions for LGBT individuals. Notably, the definition of “underserved populations” was modified to include sexual orientation and gender identity. This shift in definition ensures that LGBT populations are eligible for grants and services aimed at addressing the needs of underserved populations. Additionally, VAWA includes provisions to prohibit discrimination on the basis of sexual orientation or gender identity, and adds grants and programming intended for LGBT populations.

Prepared for the 2013 American Psychological Association Annual Convention, July 31 – August 4. For more information, please contact Leo Rennie, MPA in the APA Public Interest Government Relations Office at (202) 336-5110 or lrennie@apa.org.