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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. RES.

Recognizing that it is the duty of the Federal Government to develop and implement a Transgender Bill of Rights to protect and codify the rights of transgender and nonbinary people under the law and ensure their access to medical care, shelter, safety, and economic security.

IN THE HOUSE OF REPRESENTATIVES

Ms. JAYAPAL submitted the following resolution; which was referred to the Committee on _____

RESOLUTION

Recognizing that it is the duty of the Federal Government to develop and implement a Transgender Bill of Rights to protect and codify the rights of transgender and non-binary people under the law and ensure their access to medical care, shelter, safety, and economic security.

Whereas an estimated 1,600,000 transgender adults live in the United States;

Whereas title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) requires equal treatment under the law regardless of sex;

Whereas the Supreme Court of the United States affirmed in *Bostock v. Clayton County*, 140 S. Ct. 1731 (2020) that Federal protection against discrimination on the basis of sex includes protection from discrimination on the basis of sexual orientation and gender identity;

Whereas several Federal courts have correctly concluded that discrimination against transgender people because of their sex and gender identity violates title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 1557 of the Patient Protection and Affordable Care Act (42 U.S.C. 18116), and the Fourteenth Amendment to the Constitution of the United States;

Whereas, despite the protections against discrimination on the basis of sexual orientation and gender identity, transgender people still experience discrimination in—

- (1) medical care;
- (2) employment;
- (3) housing;
- (4) education;
- (5) lending; and
- (6) other basic necessities;

Whereas President Trump has issued several executive orders that attempt to unlawfully discriminate against transgender people;

Whereas anti-trans individuals strive to deprive transgender and nonbinary people of access to gender affirming care, despite the overwhelming consensus of the medical community that gender-affirming care is essential, safe, and life-saving health care;

Whereas the provision of best-practice, age-appropriate, gender-affirming health care is endorsed by the American

Academy of Child and Adolescent Psychiatry, the American Academy of Family Physicians, the American Academy of Nursing, the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, the American College of Physicians, the American Counseling Association, the American Heart Association, the American Medical Association, the American Nurses Association, the American Osteopathic Association, the American Psychiatric Association, the American Psychological Association, the American Public Health Association, the Endocrine Society, the National Association of Nurse Practitioners in Women's Health, the Pediatric Endocrine Society, the Society for Adolescent Health and Medicine, the World Medical Association, and the World Professional Association for Transgender Health;

Whereas transgender and nonbinary people—

(1) face significant barriers to legal recognition of their truest selves on government-issued documentation and identification that reflects their gender;

(2) experience disproportionately high rates of poverty, homelessness, violence, and suicide due to discrimination and persecution; and

(3) are especially vulnerable to violence and abuse and are often deprived of gender-affirming resources and health care while detained in jails, prisons, and immigration detention centers; and

Whereas transgender and nonbinary people—

(1) make unique, valuable contributions to American society and culture worth honoring and celebrating;

(2) have existed throughout history across the globe, demonstrating resilience, bravery, and authenticity; and

(3) are parents, siblings, children, chosen family, and friends deserving of human dignity and support: Now, therefore, be it

1 *Resolved*, That it is the sense of the House of Rep-
2 resentatives that—

3 (1) the Federal Government has a duty to pro-
4 tect the rights of transgender and nonbinary people
5 by implementing a “Transgender Bill of Rights”
6 that includes—

7 (A) ensuring that transgender and non-
8 binary people have equal access to services and
9 public accommodations that align with their
10 gender identity by—

11 (i) amending the Civil Rights Act of
12 1964 (42 U.S.C. 2000a et seq.) to prohibit
13 discrimination on the basis of sex, includ-
14 ing gender identity and sex characteristics,
15 in public accommodations and federally
16 funded programs and activities;

17 (ii) expanding the definition of public
18 accommodation to address the full range of
19 places and services that members of the
20 general public utilize;

21 (iii) explicitly clarifying that it is ille-
22 gal to discriminate on the basis of sex, in-
23 cluding gender identity or sex characteris-

1 ties, in public accommodations and services
2 on religious grounds; and

3 (iv) amending Federal law to ensure
4 that it protects students from discrimina-
5 tion based on sex, including gender iden-
6 tity and sex characteristics, thus guaran-
7 teeing the right of students to participate,
8 free from discrimination, including harass-
9 ment and sexual violence, in all areas of
10 school life, including in classes,
11 extracurriculars (including athletics), ac-
12 cess to facilities, and other school activi-
13 ties;

14 (B) clarifying and reaffirming the right to
15 bodily autonomy and health care for
16 transgender and nonbinary people by—

17 (i) enforcing prohibitions against dis-
18 crimination in the provision of health care
19 on the basis of sex, including on the basis
20 of actual or perceived gender identity or
21 sex characteristics;

22 (ii) eliminating unnecessary govern-
23 mental restrictions on the provision of, and
24 access to, gender-affirming medical care

1 and counseling for transgender and non-
2 binary adults and adolescents;

3 (iii) ensuring that health care pro-
4 viders that follow recognized standards of
5 care for transgender and nonbinary people
6 are not targeted for criminal or civil pen-
7 alties, or for professional discipline;

8 (iv) protecting children against force-
9 ful removal from supportive homes;

10 (v) protecting providers of gender-af-
11 firming care, reproductive health care, and
12 abortion health care from threats and acts
13 of violence related to their work;

14 (vi) expanding access to competent
15 health care providers serving transgender
16 and nonbinary patients, including by re-
17 cruiting and training more health care pro-
18 viders to provide appropriate care;

19 (vii) expanding telehealth access to
20 provide patients in rural and other under-
21 served locations better access to health
22 care services;

23 (viii) codifying the right to abortion
24 and reproductive health care, such as con-
25 traceptives and assistive reproductive tech-

1 nology, for everyone, including transgender
2 and nonbinary people;

3 (ix) banning the performing of non-
4 consensual surgeries that violate medical
5 ethics and the human rights of intersex
6 children and infants;

7 (x) banning conversion practices and
8 other abusive and torturous pseudo-med-
9 ical treatments that are overwhelmingly re-
10 jected by every major medical organization
11 as lacking efficacy and carrying significant
12 risks of harm;

13 (xi) protecting providers of gender-af-
14 firming care from specious consumer and
15 medical fraud accusations based on their
16 provision of medically necessary care; and

17 (xii) ensuring that the Sexual & Gen-
18 der Minority Research Office of the Na-
19 tional Institutes of Health is re-opened and
20 remains operational;

21 (C) ensuring transgender and nonbinary
22 people can care for themselves and their fami-
23 lies by fully codifying the judgment of the Su-
24 preme Court in *Bostock v. Clayton County*, 140
25 S. Ct. 1731 (2020) by—

1 (i) eliminating hiring and employment
2 discrimination and workforce exclusion by
3 amending title VII of the Civil Rights Act
4 of 1964 (42 U.S.C. 2000e et seq.) to ex-
5 plicitly clarify that employers may not dis-
6 criminate on the basis of actual or per-
7 ceived gender identity or sex characteris-
8 tics;

9 (ii) amending the Fair Housing Act
10 (42 U.S.C. 3601 et seq.) to explicitly clar-
11 ify that it prohibits all forms of sex dis-
12 crimination, including on the basis of gen-
13 der identity or sex characteristics; and

14 (iii) amending the Equal Credit Op-
15 portunity Act (15 U.S.C. 1691 et seq.) to
16 explicitly clarify that it prohibits all forms
17 of sex discrimination, including on the
18 basis of gender identity or sex characteris-
19 tics;

20 (D) providing accessible avenues for legal
21 recognition of transgender and nonbinary iden-
22 tities and guaranteeing full participation in civil
23 life by—

24 (i) eliminating Federal gender identi-
25 fication requirements on government docu-

1 ments that are unnecessary to determine
2 the identity of the holder or are otherwise
3 irrelevant to the purpose of the document;

4 (ii) eliminating burdensome barriers
5 to, or prohibitions on, updating sex and
6 names on passports, Social Security cards,
7 and other forms of Federal Government
8 identification and records, permitting,
9 where possible, changes on self-attestation
10 alone;

11 (iii) requiring that an “X” marker be
12 available on Federal Government identi-
13 fication and records that require gender;

14 (iv) eliminating anti-trans bias in the
15 immigration system, including the asylum
16 process, by requiring culturally competent
17 training for adjudicators and ensuring that
18 gender identity and sex characteristics are
19 not used to the detriment of individuals in
20 immigration proceedings;

21 (v) making explicit that existing Fed-
22 eral statutes prohibiting sex discrimination
23 in jury service also prohibit discrimination
24 based on gender identity and sex charac-
25 teristics;

1 (vi) eliminating anti-trans bias in the
2 immigration and asylum process by requir-
3 ing culturally competent training for adju-
4 dicators and exempting immigration and
5 asylum cases based on gender identity or
6 sex characteristics from expedited removal
7 processes;

8 (vii) ensuring that dedicated and ca-
9 pable transgender and nonbinary
10 servicemembers can continue to serve
11 proudly and openly in the Armed Forces;

12 (viii) requiring the TRICARE pro-
13 gram (as defined in section 1072 of title
14 10, United States Code) and the Depart-
15 ment of Veterans Affairs to pay for gen-
16 der-affirming health care; and

17 (ix) requiring a review of military dis-
18 charges for transgender and nonbinary vet-
19 erans, and reclassification of discharge sta-
20 tus and code, to ensure the patriotism and
21 sacrifices of transgender and nonbinary
22 servicemembers is respected above partisan
23 politics;

24 (E) strengthening the safety of
25 transgender and nonbinary people by—

1 (i) investing in community services to
2 prevent intimate partner, family, and com-
3 munity violence against transgender and
4 nonbinary people and expand services for
5 transgender and nonbinary survivors;

6 (ii) investing in mental health services
7 and suicide prevention programs designed
8 for transgender and nonbinary people;

9 (iii) ensuring robust regulations and
10 procedures that affirm that claims for im-
11 migration relief or asylum based on perse-
12 cution related to gender, sexual orienta-
13 tion, gender identity, and sex characteris-
14 ties are protected grounds in the context of
15 asylum adjudications;

16 (iv) ensuring housing assignments for
17 transgender and nonbinary people in gov-
18 ernment custody are based on their safety
19 needs and providing individual housing de-
20 terminations that incorporate assessments
21 by qualified caseworkers and the assess-
22 ment of the individual of their safety
23 needs;

24 (v) prohibiting involuntary solitary or
25 administrative confinement of a

1 transgender or nonbinary individual be-
2 cause of their gender identity; and

3 (vi) exploring policies and practices
4 that improve the safety of transgender and
5 nonbinary individuals incarcerated in jails,
6 prisons, and immigration detention facili-
7 ties and ensuring that those populations of
8 transgender and nonbinary individuals
9 have access to gender-affirming care, ap-
10 propriate services, and commissary items
11 consistent with their gender identity; and

12 (F) actively enforcing the civil rights of
13 transgender and nonbinary people by all gov-
14 ernment agencies including by—

15 (i) requiring the Attorney General to
16 designate a liaison within the Civil Rights
17 Division of the Department of Justice
18 whose job is dedicated to advising on and
19 overseeing enforcement of the civil rights
20 of transgender and nonbinary people; and

21 (ii) appropriating the funds necessary
22 to fully staff and support the enforcement
23 of these rights across agencies;

24 (2) to carry out the goals in this resolution,
25 Federal agencies must collect gender identity and

1 sex characteristics information on a voluntary, con-
2 fidential basis solely for equity and public health
3 purposes in key Federal surveys;

4 (3) the Federal Government must make an on-
5 going commitment to the rights of transgender and
6 nonbinary people;

7 (4) policies concerning transgender rights must
8 be led and informed by transgender communities, in
9 particular Black and Indigenous women who face
10 heightened risk of violence, poverty, discrimination,
11 and other harm due to their intersecting identities;
12 and

13 (5) the actions listed in this resolution are only
14 the first steps toward transgender equality.