

118TH CONGRESS
1ST SESSION

H. RES. 269

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

MARCH 30, 2023

Ms. JAYAPAL (for herself, Ms. JACOBS, Mr. POCAN, Mr. TAKANO, Mr. CICILLINE, Ms. ADAMS, Mr. ALLRED, Ms. BALINT, Ms. BARRAGÁN, Mr. BLUMENAUER, Ms. BONAMICI, Mr. BOWMAN, Ms. BROWN, Ms. BUSH, Mr. CARSON, Mr. CARTER of Louisiana, Mr. CASAR, Mr. CASTEN, Ms. CASTOR of Florida, Ms. CHU, Ms. CLARKE of New York, Mr. CONNOLLY, Ms. CROCKETT, Mr. DAVIS of Illinois, Ms. DEAN of Pennsylvania, Ms. DEGETTE, Mr. DESAULNIER, Mr. DOGGETT, Ms. ESCOBAR, Ms. ESHOO, Mr. ESPAILLAT, Mr. EVANS, Mrs. FLETCHER, Mr. FROST, Mr. GARAMENDI, Ms. GARCIA of Texas, Mr. ROBERT GARCIA of California, Mr. GARCÍA of Illinois, Mr. GOMEZ, Mr. GREEN of Texas, Mr. GRIJALVA, Mrs. HAYES, Mr. HIGGINS of New York, Mr. IVEY, Ms. JACKSON LEE, Mr. JOHNSON of Georgia, Ms. KAMLAGER-DOVE, Mr. KEATING, Mr. KHANNA, Mr. KILMER, Mr. KIM of New Jersey, Mr. KRISHNAMOORTHY, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Ms. LEE of California, Ms. LEGER FERNANDEZ, Mr. LIEU, Mr. LYNCH, Ms. MATSUI, Mrs. MCCLELLAN, Ms. MCCOLLUM, Mr. MCGARVEY, Mr. MCGOVERN, Ms. MENG, Ms. MOORE of Wisconsin, Mr. MOULTON, Mr. MULLIN, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Ms. OCASIO-CORTEZ, Ms. OMAR, Mr. PANETTA, Mr. PAYNE, Ms. PINGREE, Ms. PORTER, Ms. PRESSLEY, Mr. QUIGLEY, Mr. RASKIN, Ms. ROSS, Ms. SALINAS, Ms. SÁNCHEZ, Ms. SCANLON, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SMITH of Washington, Ms. STANSBURY, Ms. STEVENS, Mr. THANEDAR, Ms. TITUS, Ms. TLAIB, Ms. TOKUDA, Mr. TONKO, Mrs. TRAHAN, Mr. TRONE, Mr. VARGAS, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Mrs. WATSON COLEMAN, Ms. WILLIAMS of Georgia, and Ms. WILSON of Florida) submitted the following resolution; which was referred to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, Energy and Commerce, Financial Services, and Oversight and Accountability, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 requires equal treatment under the law regardless of sex;

Whereas the Supreme Court affirmed in *Bostock v. Clayton County* that Federal protection against discrimination on the basis of sex includes protection from discrimination on the basis of sexual orientation and gender identity;

Whereas, despite these protections, transgender people still experience discrimination in medical care, employment, housing, education, lending, and other basic necessities;

Whereas State lawmakers introduced more than 300 bills attacking the rights of LGBTQI+ people and transgender people in particular in the first 6 weeks of 2023;

Whereas the right of transgender and nonbinary people to seek lifesaving, gender-affirming care is under threat across the Nation;

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

- (1) the American Academy of Child and Adolescent Psychiatry;
- (2) the American Academy of Family Physicians;
- (3) the American Academy of Nursing;
- (4) the American Academy of Pediatrics;

(5) the American College of Obstetricians and Gynecologists;

(6) the American College of Physicians;

(7) the American Counseling Association;

(8) the American Heart Association;

(9) the American Medical Association;

(10) the American Nurses Association;

(11) the American Osteopathic Association;

(12) the American Psychiatric Association;

(13) the American Psychological Association;

(14) the American Public Health Association;

(15) the American Society of Plastic Surgeons;

(16) the Endocrine Society;

(17) the National Association of Nurse Practitioners in Women's Health;

(18) the Pediatric Endocrine Society;

(19) the Society for Adolescent Health and Medicine;

(20) the World Medical Association; and

(21) the World Professional Association for Transgender Health;

Whereas transgender and nonbinary people face significant barriers to legal recognition of their truest selves on government documentation and identification;

Whereas transgender and nonbinary people experience disproportionately high rates of poverty, homelessness, violence, and suicide;

Whereas transgender and nonbinary people detained in jails, prisons, and immigration detention centers are especially vulnerable to violence and abuse and are often deprived of gender-affirming resources and health care;

Whereas transgender people make unique, valuable contributions to American society and culture worth honoring and celebrating;

Whereas transgender people have existed throughout history across the globe, demonstrating resilience, bravery, and authenticity; and

Whereas transgender people 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 as outlined in this Transgender Bill of Rights by—

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

10 (i) amending the Civil Rights Act of
11 1964 to prohibit discrimination on the
12 basis of sex, including gender identity and
13 sex characteristics in public accommoda-
14 tions and federally funded programs and
15 activities;

16 (ii) expanding the definition of public
17 accommodation to address the full range of

places and services that members of the general public utilize;

(iii) explicitly clarifying that it is illegal to discriminate on the basis of sex, including gender identity or sex characteristics in public accommodations and services on religious grounds; and

(iv) amending Federal education laws to ensure that they protect students from discrimination based on sex, including gender identity and sex characteristics, and guarantee students' right to—

(I) participate in sports on teams and in programs that best align with their gender identity;

(II) use school facilities that best align with their gender identity;

(III) have their authentic identity respected in the classroom; and

(IV) have access to curriculum and books that accurately portray the substantive history and identity of LGBTQ+ people and Black, Indigenous, and people of color;

1 (B) recognizing the right to bodily auton-
2 omy and ethical health care for transgender and
3 nonbinary people by—

4 (i) strengthening, implementing, and
5 enforcing prohibitions on discrimination in
6 the provision of health care on the basis of
7 sex, including on the basis of actual or per-
8 ceived gender identity or sex characteris-
9 tics;

10 (ii) eliminating unnecessary govern-
11 mental restrictions on the provision of, and
12 access to, gender-affirming medical care
13 and counseling for transgender and non-
14 binary adults and youth;

15 (iii) ensuring that health care pro-
16 viders following standards of care for
17 transgender and nonbinary people are not
18 targeted for criminal or civil penalties or
19 professional discipline;

20 (iv) protecting children from forceful
21 removal from supportive homes;

22 (v) protecting providers of gender-af-
23 firming care, reproductive health care, and
24 abortion health care from threats and acts
25 of violence related to their work;

1 (vi) expanding access to providers
2 with competency serving transgender and
3 nonbinary patients, including by recruiting
4 and training more health care providers to
5 provide appropriate care;

6 (vii) expanding telehealth access to
7 provide patients in rural and other under-
8 served locations better access to health
9 care services;

10 (viii) codifying *Roe v. Wade*, guaran-
11 teeing the right to abortion, and codifying
12 the right to reproductive health care such
13 as contraceptives and assistive reproductive
14 technology for everyone, including
15 transgender and nonbinary people; and

16 (ix) banning the use of forced surgery
17 that violates medical ethics and human
18 rights on intersex children and infants;

19 (C) ensuring transgender and nonbinary
20 people can care for themselves and their fami-
21 lies by fully codifying the *Bostock* decision by—

22 (i) eliminating hiring and employment
23 discrimination and workforce exclusion by
24 amending title VII of the Civil Rights Act
25 of 1964 to explicitly clarify that employers

1 may not discriminate on the basis of actual
2 or perceived gender identity or sex charac-
3 teristics;

4 (ii) amending the Fair Housing Act to
5 explicitly clarify that it prohibits all forms
6 of sex discrimination, including on the
7 basis of gender identity or sex characteris-
8 tics; and

9 (iii) amending the Equal Credit Op-
10 portunity Act to explicitly clarify that it
11 prohibits all forms of sex discrimination,
12 including on the basis of gender identity or
13 sex characteristics;

14 (D) providing accessible avenues for legal
15 recognition of transgender and nonbinary iden-
16 tities and guaranteeing full participation in civil
17 life by—

18 (i) eliminating Federal gender identi-
19 fication requirements on government docu-
20 ments that are unnecessary to determine
21 the identity of the holder or otherwise ir-
22 relevant to the purpose of the document;

23 (ii) eliminating burdensome barriers
24 to updating sex and names on passports,
25 Social Security cards, and other forms of

1 Federal Government identification and
2 records, permitting, where possible,
3 changes on self-attestation alone;

4 (iii) requiring that an “X” marker be
5 available on Federal Government identi-
6 fication and records that still require gen-
7 der;

8 (iv) requiring States to permit voters
9 to update their name and gender on their
10 voter registration and vote on the same
11 day of Federal elections; and

12 (v) making explicit that existing Fed-
13 eral statutes prohibiting sex discrimination
14 in jury service also prohibit discrimination
15 based on gender identity and sex charac-
16 teristics;

17 (E) strengthening the safety of
18 transgender and nonbinary people by—

19 (i) investing in community services to
20 prevent intimate partner, family, and com-
21 munity violence against transgender and
22 nonbinary people and expand services for
23 transgender and nonbinary survivors;

1 (ii) investing in mental health services
2 and suicide prevention programs designed
3 for transgender and nonbinary people;

4 (iii) banning fraudulent and harmful
5 so-called “conversion therapy” practices;

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

13 (v) exploring policies and practices
14 that would improve the safety of
15 transgender and nonbinary individuals in-
16 carcerated in jails, prisons, and immigra-
17 tion detention facilities and ensure that
18 those populations have access to gender-af-
19 firming care, appropriate services, and
20 commissary items; and

21 (F) actively enforcing the civil rights of
22 transgender and nonbinary people by all gov-
23 ernment agencies including by—

24 (i) requiring the Attorney General to
25 designate a liaison within the Civil Rights

1 Division of the Department of Justice
2 dedicated to advising on and overseeing en-
3 forcement of the civil rights of transgender
4 and nonbinary people; and

5 (ii) appropriating the funds necessary
6 to fully staff and support the enforcement
7 of these rights across agencies;

8 (2) the actions listed above are only the first
9 steps toward transgender equality;

10 (3) to carry out the goals above, Federal agen-
11 cies must collect gender identity and sex characteris-
12 tics information on a voluntary, confidential basis
13 solely for equity and public health purposes in key
14 Federal surveys;

15 (4) the Federal Government must make an on-
16 going commitment to the rights of transgender and
17 nonbinary people; and

18 (5) policies concerning transgender rights must
19 be led and informed by transgender communities, in
20 particular Black and Indigenous women who face
21 heightened risk of violence, poverty, discrimination,
22 and other harm due to their intersecting identities.

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