

FACT SHEET: Biden-Harris Administration Advances Equality and Visibility for Transgender Americans

MARCH 31, 2022 • STATEMENTS AND RELEASES

Today, the Biden-Harris Administration recognizes Transgender Day of Visibility, an annual celebration of the resilience, achievements, and joy of transgender people in the United States and around the world. Every American deserves the freedom to be themselves. But far too many transgender Americans still face systemic barriers, discrimination, and acts of violence. Today, the Administration once again condemns the proliferation of dangerous anti-transgender legislative attacks that have been introduced and passed in state legislatures around the country. The evidence is clear that these types of bills stigmatize and worsen the well-being and mental health of transgender kids, and they put loving and supportive families across the country at risk of discrimination and harassment. As the President has said, these bills are government overreach at its worst, they are un-American, and they must stop.

Transgender people are some of the bravest people in our nation. But nobody should have to be brave just to be themselves. Today, the Biden Administration announced new actions to support the mental health of transgender children, remove barriers that transgender people face accessing critical government services, and improve the visibility of transgender people in our nation's data.

Reinforcing federal protections for transgender kids. The Justice Department announced today that it has issued a letter to all state attorneys general reminding them of federal constitutional and statutory provisions that protect transgender youth against discrimination, including when those youth seek gender-affirming care.

Advancing dignity, respect, and self-determination for transgender people by improving the traveler experience. For far too long, transgender, non-binary, and gender non-conforming Americans have faced significant barriers to travelling safely and many have not had their gender identity respected as they travel within the United States and around the world. To create a safer and more dignified travel experience, the Biden Administration is announcing the following changes.

- **The Department of State** is announcing that beginning on April 11, 2022, all U.S. citizens will be able to select an “X” as their gender marker on their U.S. passport application. This is a major step in delivering on the President’s commitment to expand access to accurate identification documents for transgender and non-binary Americans. Information on how to apply will be available at travel.state.gov/gender.
- **The Department of Homeland Security** is announcing several important reforms to improve the traveler experience for all Americans, particularly for transgender Americans:
 - **Implementing enhanced screening technology.** The Transportation Security Administration (TSA) will soon begin updating its Advanced Imaging Technology (AIT) body scanners with new technology that will increase security and efficiency by reducing false alarm rates and pat-downs for the traveling public. By replacing the current, gender-based system with this more accurate technology, TSA will improve the customer experience of transgender travelers who have previously been required to undergo additional screening due to alarms in sensitive areas. This new technology will help to improve the experience of travelers, particularly those who are transgender and non-binary travelers. TSA will begin deploying this new technology in airports throughout the country later this year.
 - **Expanding airline partnerships to enhance the overall travel experience.** TSA is working closely with air carriers across the nation to promote the use and acceptance of the “X” gender marker to ensure more efficient and accurate passenger processing. As of March 31st, two major domestic air carriers already offer a third gender marker option in their travel-reservation systems, with a third air carrier planning to offer this option in the Fall of 2022.
 - **Streamlining identity validation.** TSA has updated its Standard Operating Procedures to remove gender considerations when validating a traveler’s identification at airport security checkpoints. This ensures that TSOs can accurately and efficiently validate each traveler’s identity while avoiding unnecessary delays.
 - **Updating TSA PreCheck and CBP Trusted Traveler Programs enrollment to include “X” gender markers.** The Department of Homeland Security is beginning the process of adding “X” gender markers options in Trusted Traveler programs and the TSA PreCheck program to enhance access for transgender, non-binary, and gender non-conforming travelers to these programs.

Providing resources for transgender kids and their families. Transgender children are put at higher risk of attempted suicide or mental health challenges when they face bullying,

rejection, or denial of health care. The Biden Administration is releasing several new resources to help transgender children and their parents thrive:

- **Providing mental health resources for transgender youth.** In recent months, multiple states have removed critical information about mental health resources for LGBTQI+ youth from official state websites. Transgender youth often face significant barriers in accessing supportive resources, and are at greater risk of attempted suicide. In response, the Department of Health and Human Services released a new website that offers resources for transgender and LGBTQI+ youth, their parents, and providers. These resources include best practices for affirming an LGBTQI+ child, and information about suicide prevention services.
- **Expanding trainings to support transgender and nonbinary students in schools.** The Office of Safe and Supportive Schools in the Department of Education will offer new training for schools with experts and school leaders who will discuss the challenges faced by many transgender and nonbinary students and strategies and actions for providing support.
- **Confirming the positive impact of gender affirming care on youth mental health.** The Substance Abuse and Mental Health Services Administration (SAMHSA) has posted LGBTQI+ Youth – Like All Americans, They Deserve Evidence-Based Care, in which Miriam Delphin-Rittmon, Ph.D., HHS Assistant Secretary for Mental Health and Substance Use and the leader of SAMHSA, shares how to engage LGBTQI+ youth, the evidence behind the positive effects of gender affirming care, and available resources for LGBTQI+ youth, their families, providers, community organizations, and government agencies.
- **Confirming that gender-affirming care is trauma-informed care.** The National Child Traumatic Stress Network (NCTSN), which is administered by the Substance Abuse and Mental Health Services Administration, is releasing new information for providers confirming that providing gender-affirming care is neither child maltreatment nor malpractice.
- **Providing resources on the importance of gender affirming care for children and adolescents.** The Office of the Assistant Secretary for Health has developed a resource to inform parents and guardians, educators, and other persons supporting children and adolescents with information on what is gender-affirming care and why it is important to transgender, nonbinary, and other gender expansive young people's well-being.

Improving access to federal services and benefits for transgender Americans. With support and coordination from the U.S. Digital Service, federal agencies are removing barriers

to access government services by improving the customer experience of transgender, non-binary, and gender non-conforming Americans:

- **Accessing retirement savings.** The Social Security Administration is announcing that it is removing the requirement that transgender people show proof of identity such as doctor's notes in order to update their gender information in their social security record by the fall of 2022. This will significantly improve transgender individuals' experience in accessing their retirement benefits, obtaining health care, and applying for jobs.
- **Filing an employment discrimination complaint.** The U.S. Equal Employment Opportunity Commission (EEOC) is announcing that it will promote greater equity and inclusion for members of the transgender community by giving individuals the option to select an "X" gender marker during the voluntary self-identification questions that are part of the intake process for filing a charge of discrimination.
- **Applying for federal student aid.** The Department of Education plans to propose next month that the 2023-24 FAFSA (Free Application for Federal Student Aid) will include an opportunity for applicants to indicate their gender identity as well as their race/ethnicity when applying for federal financial aid. The questions, which will be posted for public comment, will be in a survey that accompanies the application. This privacy-protected information would help to inform the Department about possible barriers students, including transgender and nonbinary students, face in the financial aid process.
- **Visiting the White House.** The White House Office of Management and Administration is announcing that it is beginning the process of implementing updates that will improve the White House campus entry process for transgender, gender non-conforming, and non-binary visitors by adding an "X" gender marker option to the White House Worker and Visitor Entry System (WAVES) system. This change will ensure that transgender, non-binary, and gender nonconforming people can visit the People's House in a manner that respects and affirms their gender identity.

Advancing inclusion and visibility in federal data. In too many critical federal surveys and data systems, transgender, non-binary, and gender non-conforming people are not fully reflected. To improve visibility for transgender Americans, agencies are announcing new actions to expand the collection and use of sexual orientation and gender identity (SOGI) data.

- **The White House** announced that the President's proposed Fiscal Year 23 budget includes \$10 million in funding for additional critical research on how to best add questions about sexual orientation and gender identity to the Census Bureau's American Community Survey, one of our nation's largest and most important surveys of American households.

This data collection will help the federal government better serve the LGBTQI+ community by providing valuable information on their jobs, educational attainment, home ownership, and more.

- **The Department of Health and Human Services** has released the findings of the federal government’s first-ever user research testing conducted with transgender Americans on how they want to see themselves reflected on Federal IDs. This groundbreaking user research by the Collaborating Center for Question Design and Evaluation Research (CCQDER) at the National Center for Health Statistics (NCHS) directly informed the State Department’s adopted definition of the “X” gender marker.
- **The Department of Health and Human Services** has released a comprehensive new consensus study on Measuring Sex, Gender Identity, and Sexual Orientation. This work, commissioned by the National Institutes of Health and carried out by the National Academies of Sciences, Engineering, and Medicine, will inform additional data collections and future research in how to best serve LGBTQI+ Americans.

These announcements build on the Biden-Harris Administration’s historic work to advance equality for transgender Americans since taking office, including:

Combatting legislative attacks on transgender kids at the state level.

- **Condemning anti-transgender bills.** The President has consistently made clear that legislative attacks against transgender youth are un-American, and are bullying disguised as legislation. In his March, 2022 State of the Union Address, the President said, “The onslaught of state laws targeting transgender Americans and their families is wrong. As I said last year, especially to our younger transgender Americans, I will always have your back as your President, so you can be yourself and reach your God-given potential.” The White House has also hosted listening sessions with transgender youth and advocates in states across the country that are impacted by anti-transgender legislative attacks.
- **Reaffirming that transgender children have the right to access gender-affirming health care.** In March, following state actions that aim to target parents and doctors who provide gender-affirming care to transgender children with child abuse investigations, the Department of Health and Human Services took multiple actions to support transgender children in receiving the care they need and promised to use every tool available to protect LGBTQI+ children and support their families.
- **Department of Justice statements of interest and amicus briefs.** The Department of Justice’s Civil Rights Division has filed Statements of Interest and amicus briefs in several

matters to protect the constitutional rights of transgender individuals, including in *Brandt v. Rutledge*, a lawsuit challenging legislation restricting access to gender-affirming care for transgender youth; *B.P.J. v. West Virginia State Board of Education*, a lawsuit challenging legislation restricting participation of transgender students in school sports; *Corbitt v. Taylor*, a lawsuit challenging legislation restricting the ability to change gender markers on state driver's licenses; and *Adams v. School Board of St. John's County*, which involves the right of a transgender boy to use the boys' restroom at his school.

Advancing civil rights protections for transgender Americans

- **Fighting for passage of the Equality Act.** President Biden continues to call on the Senate to pass the Equality Act, legislation which will provide long overdue federal civil rights protections to transgender and LGBTQI+ Americans and their families. As the White House has said, passing the Equality Act is key to addressing the epidemic levels of violence and discrimination that transgender people face. The Administration's first Statement of Administration Policy was in support of the Equality Act, and the White House has convened national leaders to discuss the importance of the legislation.
- **Signing one of the most comprehensive Executive Orders on LGBTQI+ rights in history.** Within hours of taking office, President Biden signed an Executive Order which established that it is the official policy of the Biden-Harris Administration to prevent and combat discrimination against LGBTQI+ individuals, and to fully enforce civil rights laws to prevent discrimination on the basis of gender identity or sexual orientation. This Executive Order is one of the most consequential policies for LGBTQI+ Americans ever signed by a U.S. President. As a result of that Order, the Departments of Health and Human Services, Housing and Urban Development, Education, Consumer Financial Protection Bureau, and Justice have announced that they are expanding non-discrimination protections for transgender people in health care, housing, education, credit and lending services, and community safety programs.

Supporting transgender service members and veterans

- **Reversing the discriminatory ban on transgender servicemembers.** In his first week in office, President Biden signed an Executive Order reversing the ban on openly transgender servicemembers serving in the Armed Forces, enabling all qualified Americans to serve their country in uniform. President Biden believes that an inclusive military strengthens our national security. As a result of his Executive Order, the Department of Defense issued new policies which prohibit discrimination against transgender servicemembers, provide a

path for transgender servicemembers to access gender-affirming medical care, and require that all transgender servicemembers are treated with dignity and respect.

- **Supporting transgender veterans.** To ensure that transgender veterans are treated with dignity and respect, the Department of Veterans Affairs (VA) launched an agency-wide review of its policies and practices to ensure that transgender veterans and employees do not face discrimination on the basis of gender identity or expression. In June, VA also announced that it is beginning the regulatory process to remove restrictions that prevent transgender veterans from accessing the gender-affirming care they need and deserve.

Responding to the crisis of anti-transgender violence and advancing safety

- **Establishing a White House-led interagency working group on anti-transgender violence.** To address the crisis of anti-transgender stigma and violence, during Pride Month in 2021 the White House established the first Interagency Working Group on Safety, Opportunity, and Inclusion for Transgender and Gender Diverse Individuals. The Working Group is co-led by the White House Domestic Policy Council and Gender Policy Council. To inform the priorities of the Working Group, throughout the fall of 2021 the White House convened 15 historic listening sessions with transgender and gender diverse people, advocates, and civil rights leaders from across the country and around the world, including a White House roundtable with transgender women of color.
- **Releasing a White House report uplifting the voices of transgender people on gender-based violence and discrimination.** On Transgender Day of Remembrance, the White House released a report sharing the perspectives from White House listening sessions, uplifting the voices and advocacy of transgender people throughout the country, and highlighting over 45 key, early actions the Biden-Harris Administration is taking to address the root causes of anti-transgender violence, discrimination, and denial of economic opportunity.
- **Department of Justice civil rights enforcement actions.** On September 14, 2021, the Department of Justice announced that it was launching a statewide civil investigation into Georgia's prisons, which includes a focus on sexual abuse of transgender prisoners by other prisoners and staff. The Department of Justice's Civil Rights Division and U.S. Attorney's Office for the District of Puerto Rico also obtained a federal indictment charging three men with hate crimes for assaulting a transgender woman because of her gender identity.
- **Ensuring non-discrimination protections in community safety programs.** The Department of Justice issued a Memorandum from the Assistant Attorney General for

Civil Rights regarding the application of *Bostock v. Clayton County* to the nondiscrimination provisions of the Safe Streets Act, the Juvenile Justice and Delinquency Prevention Act, the Victims of Crime Act, and the Violence Against Women Act to strengthen non-discrimination protections for transgender and LGBTQI+ individuals in key community safety programs.

- **Strengthening protections for transgender individuals who are incarcerated.** In January 2022 the Bureau of Prisons revised its manual on serving transgender offenders, improving access to gender-affirming care and access to facility placements that align with an inmate's gender identity.
- **Honoring those lost to violence.** The White House and the Second Gentleman of the United States hosted a first of its kind vigil in the Diplomatic Room of the White House to honor the lives of transgender and gender diverse people killed in 2021, and the countless transgender and gender diverse people who face brutal violence, harassment, and discrimination in the United States and around the world. The President also released a statement honoring the transgender people who lost their lives to violence.
- **Advancing safety and justice for transgender and Two-Spirit Indigenous people.** LGBTQI+ Native Americans and people who identify as transgender or "Two-Spirit" are often the targets of violent crimes. On November 15, 2021, President Biden signed an Executive Order on Improving Public Safety and Criminal Justice for Native Americans and Addressing the Crisis of Missing or Murdered Indigenous People. The Executive Order directs federal agencies to work hand in hand with Tribal Nations and Tribal partners to build safe and healthy Tribal communities to address the crisis of Missing and Murdered Indigenous People, including LGBTQI+ and "Two-Spirit" Native Americans.

Advancing health equity and expanding access to gender-affirming health care to support transgender patients

- **Protecting transgender patients from health care discrimination.** The Department of Health and Human Services (HHS) announced that it would interpret and enforce section 1557 of the Affordable Care Act's prohibition on discrimination on the basis of sex in certain health programs to prohibit discrimination on the basis of gender identity and sexual orientation.
- **Advancing gender-affirming care as an essential health benefit.** In 2021, the Centers for Medicare and Medicaid Services (CMS) approved the first ever application from a state to add additional gender-affirming care benefits to a state's essential health benefit benchmark plan.

- **Advancing health equity research on gender-affirming care.** The National Institutes of Health (NIH) announced that it will increase funding for research on gender-affirming procedures to further develop the evidence base for improved standards of care. Research priorities include a more thorough investigation and characterization of the short- and long-term outcomes on physical and mental health associated with gender-affirming care.
- **Ending the HIV crisis among transgender and gender diverse communities.** In December, 2021, in recognition of World AIDS Day, the White House Office of National AIDS Policy released a revised National HIV/AIDS Strategy which now identifies transgender and gender diverse communities as a priority population in the federal government's strategy to end the HIV epidemic.
- **Advancing access to gender-affirming care through Ryan White HIV/AIDS Program.** The Health Resources and Services Administration announced that it has released a letter encouraging Ryan White HIV/AIDS Program service providers to provide access to gender affirming care and treatment services to transgender and gender diverse individuals with HIV. The letter reaffirms the importance of providing culturally-affirming health care and social services as a key component to improving the lives of transgender people with HIV.
- **Ensuring transgender patients can access birth control.** In 2021 HHS issued a final rule to strengthen the Title X family planning program, fulfilling the Biden-Harris Administration's commitment to restore access to equitable, affordable, client-centered, quality family planning services. The rule requires family planning projects to provide inclusive care to LGBTQI+ persons. Additionally, the rule prohibits discrimination against any client based on sex, sexual orientation, gender identity, sex characteristics, or marital status.

Supporting transgender students and their families

- **Ensuring educational environments are free from sex discrimination and protecting LGBTQI+ students from sexual harassment.** President Biden signed an Executive Order recommitting the Federal Government to guarantee educational environments free from sex discrimination, including discrimination on the basis of sexual orientation or gender identity. The Executive Order charged the Department of Education with reviewing the significant rates at which students who identify as LGBTQ+ are subject to sexual harassment, including sexual violence. The Department of Education has announced that it intends to propose amendments to its Title IX regulations this year.
- **Protecting the rights of transgender and gender diverse students.** The Department of Education has affirmed that federal civil rights laws protect all students, including

transgender and other LGBTQI+ students, from discrimination. The Department published a notice in the Federal Register announcing that it interprets Title IX's statutory prohibition on sex discrimination as encompassing discrimination based on sexual orientation and gender identity.

- **Department of Justice memorandum on Title IX.** The Department of Justice issued a memorandum regarding the application of *Bostock* to Title IX.
- **Speaking directly to transgender students.** The Department of Justice, Department of Education, and Department of Health and Human Services issued a joint back to school message for transgender youth.
- **Outreach and education to transgender and gender diverse students and their families.** The Department of Education has published fact sheets and other resources showing the federal government's support for transgender students, highlighting the ways schools can support students, reminding schools of their duty to investigate and address harassment based on sexual orientation or gender identity, and informing students how they can assert their rights and file complaints.
- **Advancing research to address the harms of so-called conversion therapy.** The Substance Abuse and Mental Health Services Administration (SAMHSA) announced that it will update its 2015 publication *Ending Conversion Therapy: Supporting and Affirming LGBTQ Youth* to reflect the latest research and state of the field.

Promoting fair housing and ending homelessness for transgender Americans

- **Advancing fair housing protections on the basis of gender identity.** In February 2021 the Department of Housing and Urban Development (HUD) announced that it would administer and enforce the Fair Housing Act to prohibit discrimination on the basis of gender identity and sexual orientation.
- **Ensuring safety and access to services for transgender people experiencing homelessness.** In April, HUD withdrew the previous administration's proposed "Shelter Rule," which would have allowed for federally funded discrimination against transgender people who seek shelter housing. By withdrawing the previous administration's proposed rule, the agency has restored protections for transgender people to access shelter in line with their gender identity. HUD has also released new tools for recipients to ensure compliance with these requirements in shelters and other facility settings.

Advancing economic opportunity and protections for transgender workers

- **Ensuring nondiscrimination protections for transgender and gender diverse workers.** In November 2021, the Department of Labor’s Office of Federal Contract Compliance Programs proposed to rescind the agency’s 2020 rule “Implementing Legal Requirements Regarding the Equal Opportunity Clause’s Religious Exemption,” an important step toward protecting workers from discrimination while safeguarding principles of religious freedom.
- **Ensuring equal access to the workforce development system.** The Department of Labor is enforcing discrimination prohibitions in workforce development programs funded by the Workforce Innovation and Opportunity Act, protecting workers from discrimination based on their gender identity or transgender status.

Advancing gender equity and transgender equality at home and around the world

- **Advancing transgender equality in U.S. foreign policy and foreign assistance.** In line with the Presidential Memorandum on Advancing the Human Rights of LGBTQI+ Persons Around the World, the United States is making significant investments to uphold dignity, equality and respect for transgender persons globally. For example, USAID supports the Global Barometer for Transgender Rights and the LGBT Global Acceptance Index which track progress and setbacks to protecting transgender lives around the world. The Department of Health and Human Services through the United States President’s Emergency Plan for AIDS Relief supports inclusive health care services for transgender individuals, enabling health clinics to provide care to the transgender community. And through the Department of State’s Global Equality Fund, local transgender rights organizations receive support to document human rights violations and provide critical legal assistance to community members.
- **Establishing the White House Gender Policy Council to Advance Gender Equity and Equality.** President Biden signed an Executive Order establishing the White House Gender Policy Council to advance gender equity and equality across the whole of the government, including by addressing barriers faced by LGBTQ+ people, in particular transgender women and girls, across our country.

Supporting transgender leaders and public servants

- **Making the Federal government a model employer for transgender public servants.** President Biden signed an Executive Order which takes historic new steps to ensure the Federal government is a model employer for all employees – including transgender, gender non-conforming, and non-binary employees. The Executive Order charges agencies with building inclusive cultures for transgender employees by: expanding the availability of

gender-neutral facilities in Federal buildings; ensuring that employee services support transgender employees who wish to legally, medically or socially transition; advancing the use of non-binary gender markers and pronouns in Federal employment processes; and expanding access to gender-affirming care and inclusive health benefits.

- **Appointing historic transgender leaders.** The Biden-Harris Administration includes barrier-breaking LGBTQI+ leaders, including Assistant Secretary for Health Dr. Rachel Levine, who is the first openly transgender person ever confirmed by the U.S. Senate. In October, she was also named a four-star admiral in the U.S. Public Health Service Commissioned Corps, becoming the first openly transgender person to hold that rank in any of the country's uniformed services. Over 14 percent of Biden-Harris Administration appointees identify as LGBTQI+.

Advancing visibility for transgender Americans

- **Issuing the First White House Proclamation for Transgender Day of Visibility.** On March 31, 2021 President Biden became the first U.S. President to issue a proclamation commemorating Transgender Day of Visibility.
- **Hosting a White House Virtual Convening on Transgender Equality.** In June, White House Press Secretary Jen Psaki hosted a first-of-its-kind national conversation on equality for transgender, gender non-conforming, and non-binary Americans.
- **Releasing a toolkit on equality and inclusion for transgender Americans.** The White House released a new toolkit with best practices for advancing inclusion, opportunity, and safety for transgender Americans.
- **Establishing a National Pulse Memorial.** **On June 25, 2021, President Biden** signed H.R. 49 into law to designate the National Pulse Memorial. As the President acknowledged in his statement on the fifth anniversary of the Pulse nightclub shooting, we must acknowledge gun violence's particular impact on LGBTQ+ communities across our nation, and we must drive out hate and inequities that contribute to the epidemic of violence and murder against transgender women – especially transgender women of color. As the President has said, Pulse Nightclub is hallowed ground.

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