

117TH CONGRESS
2D SESSION

H. RES. 1209

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

JUNE 28, 2022

Ms. JAYAPAL (for herself, Mr. CICILLINE, Ms. NEWMAN, Mr. TAKANO, Mr. TORRES of New York, Ms. ADAMS, Ms. BARRAGÁN, Ms. BASS, Mr. BLUMENAUER, Ms. BLUNT ROCHESTER, Ms. BONAMICI, Mr. BOWMAN, Mr. BROWN of Maryland, Ms. BROWN of Ohio, Ms. BROWNLEY, Ms. BUSH, Mr. CÁRDENAS, Mr. CARSON, Mr. CASTEN, Ms. CASTOR of Florida, Ms. CHU, Ms. CLARK of Massachusetts, Ms. CLARKE of New York, Mr. CONNOLLY, Mr. DANNY K. DAVIS of Illinois, Ms. DEAN, Mr. DEFazio, Mr. DESAULNIER, Mr. DOGGETT, Ms. ESCOBAR, Ms. ESHOO, Mr. EVANS, Mr. GARAMENDI, Mr. GARCÍA of Illinois, Mr. GOMEZ, Mr. GREEN of Texas, Mr. GRIJALVA, Mrs. HAYES, Mr. HIGGINS of New York, Ms. JACKSON LEE, Ms. JACOBS of California, Mr. JOHNSON of Georgia, Mr. JONES, Mr. KEATING, Mr. KHANNA, Ms. KUSTER, Mr. LANGEVIN, Mr. LARSON of Connecticut, Mrs. LAWRENCE, Ms. LEE of California, Ms. LEGER FERNANDEZ, Mr. LEVIN of Michigan, Mr. LOWENTHAL, Mr. LYNCH, Mrs. CAROLYN B. MALONEY of New York, Ms. MCCOLLUM, Mr. MCGOVERN, Ms. MENG, Ms. MOORE of Wisconsin, 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. SÁNCHEZ, Ms. SCHAKOWSKY, Mr. SMITH of Washington, Mr. SOTO, Ms. SPEIER, Ms. STEVENS, Ms. TITUS, Ms. TLAIB, Mr. TONKO, Mrs. TRAHAN, Ms. VELÁZQUEZ, Mrs. WATSON COLEMAN, Mr. WELCH, 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 Labor, Energy and Commerce, Financial Services, and Oversight and Reform, 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 1,400,000 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 the right of transgender and nonbinary people to seek lifesaving, gender-affirming care and counseling is under threat across the Nation;

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; and

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 supplies and care: Now, therefore, be it

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

3 (1) it is the duty of the Federal Government to
4 protect the rights of transgender and nonbinary peo-
5 ple as outlined in this Transgender Bill of Rights
6 by—

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

11 (i) amending the Civil Rights Act of
12 1964 to prohibit discrimination on the
13 basis of sex, including gender identity and
14 sex characteristics in public accommoda-
15 tions and federally funded programs and
16 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 education laws
4 to ensure that they protect students from
5 discrimination based on sex, including gen-
6 der identity and sex characteristics, and
7 guarantee students' right to—

8 (I) participate in sports on teams
9 that best align with their gender iden-
10 tity; and

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

13 (B) ensuring transgender and nonbinary
14 people can care for themselves and their fami-
15 lies by fully codifying the Bostock decision by—

16 (i) eliminating hiring and employment
17 discrimination and workforce exclusion by
18 amending title VII of the Civil Rights Act
19 of 1964 to explicitly clarify that employers
20 may not discriminate on the basis of actual
21 or perceived gender identity or sex charac-
22 teristics;

23 (ii) amending the Fair Housing Act to
24 explicitly clarify that it prohibits all forms
25 of sex discrimination, including on the

1 basis of gender identity or sex characteris-
2 ties;

3 (iii) codifying the Housing and Urban
4 Development Department's Equal Access
5 Rule requiring equal access to HUD hous-
6 ing programs without regard to a person's
7 actual or perceived gender identity; and

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

13 (C) recognizing the right to bodily auton-
14 omy and ethical health care for transgender and
15 nonbinary people by—

16 (i) strengthening, implementing, and
17 enforcing prohibitions on discrimination in
18 the provision of health care on the basis of
19 sex, including on the basis of actual or per-
20 ceived gender identity or sex characteris-
21 ties;

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, adolescents, and children;

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

8 (iv) expanding access to providers
9 with competency serving transgender and
10 nonbinary patients, including by recruiting
11 and training more health care providers to
12 provide appropriate care;

13 (v) codifying *Roe v. Wade*, guaran-
14 teeing the right to abortion, and codifying
15 the right to reproductive health care such
16 as birth control and fertility treatments for
17 everyone, including transgender and non-
18 binary people; and

19 (vi) banning the use of forced surgery
20 that violates medical ethics and human
21 rights on intersex children and infants;

22 (D) providing accessible avenues for legal
23 recognition of transgender and nonbinary iden-
24 tities by—

1 (i) eliminating gender identification
2 requirements on government documents
3 that are unnecessary to determine the
4 identity of the holder or otherwise irrele-
5 vant to the purpose of the document;

6 (ii) eliminating burdensome barriers
7 to updating sex and names on passports,
8 Social Security cards, and other forms of
9 government identification and records, per-
10 mitting, where possible, changes on self-at-
11 testation alone;

12 (iii) requiring that an “X” marker be
13 available on government identification and
14 records that still require gender; and

15 (iv) eliminating the Federal require-
16 ment to list a gender on State identifica-
17 tion;

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

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

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

23 (i) requiring the Attorney General to
24 designate a liaison within the Civil Rights
25 Division of the Department of Justice

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

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

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

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

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

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

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