

WEEK #1: 10 WAYS PRESIDENT BIDEN CAN SUPPORT LGBTQ PEOPLE

The new Biden administration presents many opportunities for rebuilding and expanding our nation's commitment to equality, including for LGBTQ people and their families. The work ahead is plentiful and much of it will require collaborative and working in coalitions, legislative action, and a recommitment to values of inclusion, diversity, and nondiscrimination at all levels of the government. LGBTQ people, along with too many others, have been under attack from the federal government for the last four years. For the first week of the Biden administration, here are 10 actions to immediately start the work to ensure LGBTQ people and their families can work hard, care for their families, be safe in the communities in which they live, and be protected from discrimination.

1

CREATE A FEDERAL PLAN TO ADDRESS THE RAMPANT AND INCREASING VIOLENCE AGAINST TRANSGENDER PEOPLE, ESPECIALLY BLACK TRANSGENDER WOMEN

Establish a cross-agency task force to (a) address the killings of and violence against transgender people, particularly Black transgender women, including by investigating violence and law enforcement's response, and (b) work toward violence prevention through addressing improved data collection and hate crimes reporting, discrimination, economic security, safe housing, trauma informed care, and the criminalization of transgender people, and safety concerns for transgender people.

2

ACT QUICKLY TO PROTECT LGBTQ PEOPLE FROM DISCRIMINATION

- A. Direct all federal agencies to update regulations, guidance, and policies to reflect the June 2020 U.S. Supreme Court ruling in *Bostock* that discrimination based on sexual orientation and gender identity are illegal forms of sex discrimination and to enforce robust sex, sexual orientation, and gender identity protections by all federal agencies.
- B. Reinstate questions about sexual orientation and gender identity previously removed from surveys; work to advance sexual orientation and gender identity questions on federal surveys, including those used to enforce civil rights.
- C. Review and restore nondiscrimination protections for individuals accessing government programs and benefits across all federal agencies, including the Department of Health and Human Services. Assess civil rights enforcement to ensure equitable access for all protected classes, especially in light of previous issued EO 13831 and EO 13798.

3

REVERSE THE BAN ON MILITARY SERVICE BY TRANSGENDER PEOPLE

Require the Department of Defense to return to inclusive policies to ensure nondiscrimination for transgender people. Reverse Department of Defense policies that perpetuate stigmatization of and discrimination against people living with HIV.

4

IMMEDIATELY RELEASE THOSE HELD BY IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE), INCLUDING TRANSGENDER ASYLUM SEEKERS AND PEOPLE LIVING WITH HIV, FROM DETENTION FACILITIES TO THE GREATEST EXTENT POSSIBLE

Asylum seekers are currently experiencing high risk from COVID, violence, mistreatment, and a lack of medical care. Rescind the Migrant Protection Protocols (MPP) and orders blocking entrance to the United States and restore humanitarian protections while ensuring that LGBTQ people can access them.

5

SET PUBLIC HEALTH GOALS TO ACHIEVE THE END OF THE U.S. HIV EPIDEMIC AND THE ELIMINATION OF HIV-RELATED HEALTH DISPARITIES BY 2025

This includes ensuring broad and equitable access to effective HIV care and treatment, reducing new HIV cases through evidence-based HIV prevention strategies, addressing social and structural barriers to HIV-related health care, and reestablishing the Office of National AIDS Policy with key experts.

6

REQUIRE THAT THE FEDERAL BUREAU OF CORRECTIONS RETURN TO THE PREVIOUS VERSION OF THE TRANSGENDER OFFENDER MANUAL

Implement policies in compliance with the federal Prison Rape Elimination Act (PREA) regarding the placement of transgender and intersex people; immediately end the use of solitary confinement in federal prisons and immigration detention.

7

RESTORE THE UNITED STATES' LEADERSHIP ON LGBTQ HUMAN RIGHTS AND THEIR SAFETY INTERNATIONALLY

Immediately permit embassies abroad to display the Pride flag and restore U.S. leadership in making the world safer for LGBTQ people.

8

DIRECT THE DEPARTMENT OF JUSTICE TO REVIEW AND UPDATE AGENCY POSITIONS ON ONGOING LITIGATION

This includes filings in lower court challenges of the Affordable Care Act, Title IX litigation for transgender students, and others to reflect *Bostock* and the importance of nondiscrimination protections.

9

CREATE AN LGBTQ EQUITY ADVISORY COUNCIL

Include community members, members of the Domestic Policy Council, senior level staff at the Department of Health and Human Services, and other key partners to identify key action steps and engage advocates.

10

DIRECT FEDERAL AGENCIES, INCLUDING DEPARTMENTS OF EDUCATION, HEALTH AND HUMAN SERVICES, AND HOUSING AND URBAN DEVELOPMENT, TO PROTECT LGBTQ YOUTH, LGBTQ ELDERS, AND ALL THOSE WHO ACCESS PROGRAMS

- A. Issue clear policies of nondiscrimination for all federal programs, reinstate 2016 guidance on transgender students' rights pending revision to reflect *Bostock* and other legal developments, issue new comprehensive guidance on nondiscrimination and privacy rights for LGBTQ students under Title IX, FERPA, the Equal Access Act, and other relevant laws, issue new regulations regarding sexual assault and harassment, update policies to protect LGBTQ youth experiencing homelessness and in the child welfare system, work to ban the use of youth conversion therapy, and expanding efforts to protect and promote mental health, including anti-bullying policies and suicide prevention such as 988 to be activated in July 2022, and the current National Suicide Prevention LifeLine 1-800-273-TALK.
- B. The Administration for Community Living should strongly and swiftly implement the language found in the 2020 Reauthorization of the Older Americans Act, which requires that state units on aging and area agencies on aging are held accountable for collecting data on the needs of LGBT older people and whether they are meeting those needs, engaging in outreach, and reporting back on those efforts to ACL.

KEY LONGER-TERM PRIORITIES & LEGISLATIVE OPPORTUNITIES

IMPROVE ACCESS TO ACCURATE IDENTITY DOCUMENTS FOR TRANSGENDER AND NONBINARY PEOPLE

Work across federal agencies to streamline the processes for obtaining updated social security and passport identification documents. Include a third sex marker for nonbinary people.

ENSURE ROBUST ENFORCEMENT OF FEDERAL CIVIL RIGHTS PROTECTIONS

A. Increase federal enforcement of civil rights protections and expand investigations into anti-LGBTQ+ discrimination complaints. Request additional civil rights enforcement funding from Congress for the Equal Employment Opportunity Commission (EEOC), the Civil Rights Division at the Department of Justice, and individual agency civil rights departments to speed the process and improve enforcement.

B. Include LGBTQ people in affirmative civil rights testing for discrimination, e.g. proactively calling public services, contracted businesses, shelters, etc., to test for discriminatory policies.

WORK WITH CONGRESS TO ADVANCE LEGISLATIVE PRIORITIES

A. Pass the Equality Act, which would update our nation's civil rights laws to prohibit discrimination based on sex, sexual orientation, and gender identity in key areas of life

B. Pass the Do No Harm Act, which would clarify when RFRA can be used and when discrimination should not be permitted

C. Passing Every Child Deserves a Family Act to protect LGBTQ youth and families from discrimination in the child welfare system

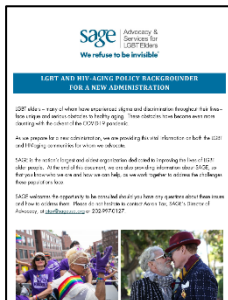
D. Pass the GLOBE Act to build a U.S. diplomatic framework to protect LGBTQ people worldwide

E. Pass the Ruthie & Connie LGBT Elder Americans Act, which would establish LGBT older people as a greatest social need population under the Older Americans Act

F. Pass the Safe Schools Improvement Act, which will require every school district to develop policies related to bullying and harassment based on a student's actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity, or religion

G. Ensure that COVID-19 relief legislation includes nondiscrimination provisions and maintenance of equity provision so that LGBTQ people and their families receive assistance

A number of LGBTQ organizations have developed detailed short- and long-term priorities for the incoming Biden administration. For example:



LGBT and HIV-Aging Policy Background for a New Administration from SAGE