July 9, 2020

President Donald Trump
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear President Trump:

In light of the Supreme Court’s landmark decision in Bostock v. Clayton County, we request that your Administration direct all relevant agencies to undertake a review of all regulations, executive orders, and agency policies that implicate legal protections for LGBTQ individuals under federal civil rights laws.

Since taking office, your Administration has repeatedly issued dozens of regulatory and agency actions premised almost entirely on the claim that federal bans on sex discrimination do not prohibit discrimination based on sexual orientation or gender identity. This argument attempts to sanction discrimination against LGBTQ people in a broad range of critical arenas, including in employment, health care, housing, and education. (See Attachment).

On June 15th, the Supreme Court decisively rejected this argument when it ruled in Bostock v. Clayton County that prohibitions on sex discrimination in federal civil rights laws include sexual orientation and gender identity discrimination. As the Court explained in a 6-3 decision authored by Justice Neil Gorsuch “[a]n employer who fires an individual for being homosexual or transgender fires that person for traits or actions it would not have questioned in members of a different sex. Sex plays a necessary and undisguisable role in the decision, exactly what Title VII forbids.”

The Supreme Court’s opinion in Bostock addressed the meaning of “sex” discrimination under Title VII. But the Court’s reasoning applies with equal force to the term “sex” as used in several other federal civil rights laws – including those passed alongside Title VII to ban discrimination in housing and education, amongst others.

Your Administration argued against the employees in Bostock – taking the position that employers were free to fire LGBTQ workers simply because of their sexual orientation or gender identity. Specifically, your Administration argued that Title VII’s “plain text makes clear that it does not” “forbid employment discrimination because of sexual orientation” and that applying Title VII to gender identity discrimination “would transform Title VII into a blanket prohibition on all sex-specific workplace practices.”
The Supreme Court’s unambiguous rejection of these discriminatory arguments means that the harmful policies put in place by your Administration to permit discrimination against the LGBTQ community must immediately be reviewed and revoked or revised to make clear that protections apply to all people regardless of their sexual orientation or gender identity. The law requires this action. We therefore ask that the Administration immediately:

1. Identify the steps it is taking to implement the *Bostock* decision and fully enforce our nation’s civil rights laws that prohibit sex discrimination.

2. Review and revoke or revise all federal agency regulations, federal agency policies, and executive orders permitting discrimination against LGBTQ people, including but not limited to those on the attached list, and conduct a complete review to address all potentially discriminatory regulations, policies, or actions that require revocation or revision because they are now in direct conflict with the law.

All people should have confidence that their federal government is working to protect – not undermine – their rights. We therefore ask that you take immediate steps to ensure that LGBTQ people enjoy the full protections of the nation’s federal civil rights laws.

We appreciate your immediate attention to this important matter.

Sincerely,

/s/ Dianne Feinstein                      /s/ Patty Murray
Dianne Feinstein                            Patty Murray
United States Senator                        United States Senator

/s/ Jerrold Nadler                      /s/ Chris Pappas
Jerrold Nadler                                Chris Pappas
Member of Congress                      Member of Congress

/s/ Ron Wyden                                /s/ Edward J. Markey
Ron Wyden                                        Edward J. Markey
United States Senator                      United States Senator

/s/ Edward J. Markey
Sheldon Whitehouse
United States Senator

Mazie K. Hirono
United States Senator

Bernard Sanders
United States Senator

Richard Blumenthal
United States Senator

Tammy Duckworth
United States Senator

Tammy Baldwin
United States Senator

Cory A. Booker
United States Senator

Kamala D. Harris
United States Senator

Patrick Leahy
United States Senator

Jeffrey A. Merkley
United States Senator

Debbie Stabenow
United States Senator

Catherine Cortez Masto
United States Senator

Margaret Wood Hassan
United States Senator

Kirsten Gillibrand
United States Senator
Nydia M. Velázquez
Member of Congress

Eric Swalwell
Member of Congress

Jackie Speier
Member of Congress

Lauren Underwood
Member of Congress

Judy Chu
Member of Congress

Danny Davis
Member of Congress

Grace Meng
Member of Congress

Derek Kilmer
Member of Congress

Betty McCollum
Member of Congress

Gwen S. Moore
Member of Congress

Scott H. Peters
Member of Congress

Diana DeGette
United States Senator

Earl Blumenauer
Member of Congress

Kathleen Rice
Member of Congress
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<td>/s/ Grace Napolitano</td>
<td>Grace Napolitano Member of Congress</td>
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<td>/s/ Brendan F. Boyle</td>
<td>Brendan F. Boyle Member of Congress</td>
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<td>/s/ John B. Larson</td>
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<td>/s/ Gregory W. Meeks</td>
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<td>/s/ Pramila Jayapal</td>
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<td>/s/ Alcee L. Hastings</td>
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<td>/s/ Carolyn B. Maloney</td>
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<td>/s/ Susan Wild</td>
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<td>/s/ Frank Pallone, Jr.</td>
<td>Frank Pallone, Jr. Member of Congress</td>
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Karen Bass  
Member of Congress

Darren Soto  
Member of Congress

Bonnie Watson Coleman  
Member of Congress

Ayanna Pressley  
Member of Congress

Sharice L. Davids  
Member of Congress

Albio Sires  
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Mary Gay Scanlon  
Member of Congress

John Yarmuth  
Member of Congress

Julia Brownley  
Member of Congress

Lori Trahan  
Member of Congress

Joseph D. Morelle  
Member of Congress

Linda T. Sánchez  
Member of Congress

Bill Foster  
Member of Congress

Salud Carbajal  
Member of Congress
/s/ Ann Kirkpatrick

Ann Kirkpatrick
Member of Congress

/s/ Kathy Castor

Kathy Castor
Member of Congress

CC:

Russell Vought
Acting Director, Office of Management and Budget
725 17th St NW
Washington, DC 20503

2. May 4, 2017: President Trump issued Executive Order 13798 – Promoting Free Speech and Religious Liberty. This Executive Order allows for discrimination against the LGBTQ community. [Presidential Executive Order Promoting Free Speech and Religious Liberty]


4. June 16, 2017: An internal memo from the Department of Education Office for Civil Rights revealed guidelines for dismissing complaints about bathroom access filed by transgender students. [Memo from OCR Instructions to the Field re: Complaints Involving Transgender Students]


9. **January 18, 2018:** The Department of Health and Human Services created a new department that shields healthcare workers who refuse to treat LGBTQ workers or those living with HIV by claiming moral or religious objections.  [Department of Health and Human Services Press Release re: New Conscience and Religious Freedom Division]

10. **February 12, 2018:** The Department of Education confirmed it will not investigate or take action on complaints filed by transgender students who are banned from restrooms matching their gender identity.  [NPR: The Education Department Says It Won’t Act on Transgender Student Bathroom Access]

11. **March 5, 2018:** The Department of Housing and Urban Development removed from the agency’s mission statement a commitment to inclusive and discrimination-free communities.  [The Hill: HUD Removes Promises of Inclusive, Discrimination-free Communities from Mission Statement]

12. **March 23, 2018:** President Trump announced a revised ban on transgender people from serving in the military.  [83 FR 13367]

13. **May 11, 2018:** The Bureau of Prisons adopted a policy requiring the use of biological sex to determine housing and program eligibility for transgender inmates.  [DOJ Transgender Offender Manual, No. 5200.04 CN-1]

14. **July 30, 2018:** The Justice Department created a Religious Liberty Task Force to enforce the administration’s guidance for religious exemptions.  [Transcript of Attorney General Session’s Remarks, July 30, 2018]

15. **October 1, 2018:** The State Department announced a policy that same-sex, unmarried partners of United Nations employees will not be granted visas to stay in the U.S.  [Special Briefing hosted by the State Department: Senior Administration Officials on Visas for Same-Sex Domestic Partners of G-4 and Diplomatic Visa Holders]

16. **October 21, 2018:** The Department of Health and Human Services proposed a change to the legal definition of sex under Title IX.  [The New York Times: ‘Transgender’ Could be Defined Out of Existence Under Trump Administration]

17. **December 21, 2018:** The Justice Department filed a Statement of Interest in a case in support of a student group that discriminated against LGBTQ students.  [Department of Justice Press Release – Justice Department Files Statement of Interest]

18. **January 23, 2019:** The Department of Health and Human Services approved a waiver request by South Carolina Governor McMaster to allow faith-based adoption agencies to prohibit LGBTQ couples from adopting.  [Letter from Administration for Children &
19. March 12, 2019: The Department of Defense announced plans to implement a ban on transgender service members from openly serving in the U.S. military. [Memorandum from the Deputy Secretary of Defense re: Military Service by Transgender Persons and Persons with Gender Dysphoria]

20. May 21, 2019: The Department of Health and Human Services finalized a rule allowing doctors and physicians to deny health care services to LGBTQ patients. [84 FR 23170]

21. May 22, 2019: The Department of Housing and Urban Development announced that it would rescind a rule requiring federally funded homeless shelters to permit transgender residents access to facilities that correspond with their gender identity. [Revised Requirements Under Community Planning and Development Housing Programs, RIN: 2506-AC53]

22. August 14, 2019: The Department of Labor’s Office of Federal Contract Compliance Programs released a rule that would federal contractors to discriminate against LGBTQ employees. [41 CFR part 60-1, RIN: 1250-AA09]

23. August 2019: The Justice Department filed briefs arguing that Title VII does not protect employees from discrimination on the basis of sexual orientation and gender identity. [Brief of the United States, Case Nos. 17-1618 and 17-1623, Bostock v. Clayton County; Brief of the United States, Case No. 18-107, RG GR Harris Funeral Homes v. Equal Employment Opportunity Commission]

24. September 19, 2019: The Department of Education removed “sexual orientation” and “gender identity” as terms to track bullying data. [Data Groups for Civil Rights Data Collection for School Year 2019-20]

25. September 27, 2019: The Justice Department filed a “Statement of Interest” in a case in support of a religious school that fired a gay teacher because of his sexual orientation. [Superior Court, State of Indiana, County of Mario, Joshua Payne-Elliott v. Roman Catholic Archdiocese of Indianapolis Cause No. 49D01-1907-PL-027728]


27. March 24, 2020: The Justice Department filed a “Statement of Interest” in a case in support of an athletic association that precludes transgender athletes from competing in
sports consist with their gender identity. [Selina Soule v. Connecticut Association of Schools, No. 3:20-cv-00201-RNC]

28. May 19, 2020: Numerous agencies, including the Justice Department, Health and Human Services, Labor, and Housing and Urban Development, issued regulations to promote religious exemptions in accordance with the White House Faith and Opportunity Initiative, Executive Order 13831. [Executive Order 13831, 85 FR 2921 (DOJ), 85 FR 2974 (HHS), 85 FR 2929 (Labor), 85 FR 8215 (HUD), 85 FR 2938 (Veterans Affairs), 85 FR 2889 (DHS), 85 FR 2897 (USDA), 85 FR 3190 (Education), 85 FR 2916 (USAID)]

29. June 3, 2020: The Justice Department filed a brief in support of faith-based adoption agencies that seek to prevent LGBTQ couples from using their adoption services. [Brief of the United States, Case No. 19-123, Fulton v. City of Philadelphia]


32. July 1, 2020: The Department of Housing and Urban Development announced a proposed rule that would weaken protections for transgender individuals experiencing homelessness by allowing federally funded homeless service providers to deny them shelter. [HUD Updates Equal Access Rule, July 1, 2020]