

May 4, 2022

Ambassador Susan Rice
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Julie Rodriguez
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The Honorable Merrick Garland
Attorney General

The Honorable Xavier Becerra
Secretary of Health and Human Services

The Honorable Miguel Cardona
Secretary of Education

The Honorable Lloyd Austin
Secretary of Defense

Dear colleagues,

The undersigned LGBTQI+ civil rights and health services organizations write to urge you to take a series of strong and varied actions to protect LGBTQI+ youth and their families, as well as health care providers, educators, and other care workers, from the dire impacts of the unprecedented wave of unconstitutional attacks by state lawmakers and officials. This year alone, over 300 anti-LGBTQI+ state bills have been proposed, and multiple states have also taken executive action to perpetrate harmful policies specifically targeting transgender youth. These attacks range from attempts to ban transgender youth from participating in school sports consistent with their gender identity, to prohibiting transgender youth from accessing best practice gender affirming care, to perpetuating medically unnecessary, nonconsensual treatments on intersex infants, to granting a license to discriminate against LGBTQI+ people in child welfare settings, to try and erase LGBTQI+ people from classrooms. These unrelenting attacks on transgender and nonbinary youth negatively impact the mental health of LGBTQI+ youth, increase risks of self-harm among transgender young people, and isolate and stigmatize LGBTQI+ people.

We applaud the Biden-Harris Administration for taking some important initial steps to respond to these historic threats to the health, rights, well-being, and potentially the freedom and survival of youth, families, and care workers. We reflect on President Biden's words, said in response to attack on the families of transgender kids in Texas:

Transgender children bring fulfillment to their parents, joy to their friends, and are made in the image of God. Affirming a transgender child's identity is one of the best things a parent, teacher, or doctor can do to help keep children from harm, and parents who love and affirm their children should be applauded and supported, not threatened, investigated, or stigmatized.

These initial actions have taken the form of numerous public statements, roundtables with families and community advocates, outreach to encourage the filing of civil rights complaints, and interpretive guidance from the Departments of Justice (DOJ) and Health and Human Services (HHS). While these steps are valuable, much more is needed to meet the moment, counter the harmful effects of misinformation, and fulfill the federal government's obligations to marginalized youth, families, and care workers now and in the future.

Convene and highlight expert voices and scientific consensus on gender-affirming care

We urge you to use the federal government's critical convener role to lift up the voices of experts and trusted messengers on these threats to transgender and nonbinary young people's health and well-being. For example, the White House and federal agencies can use formal convenings, roundtable discussions with public readouts, and live streamed events to convene and elevate the voices of national and state-based medical, child health, child welfare, and education associations, as well as major medical and research institutions. Such events would build upon and extend the work of the recent landmark *U.S. Surgeon General's Advisory on Protecting Youth Mental Health*.

Lift up voices and stories of transgender, nonbinary, and intersex youth, families, and care workers

We also urge you to work thoughtfully with the youth, families, and care workers personally affected by these threats—with appropriate consideration for safety and confidentiality—to hear and share their stories. We appreciate the roundtables Administration officials have held with youth in Florida, and the White House's invitation of families from affected states to recent events, and we urge you to build on these efforts, both through additional roundtable-type events and by prioritizing highlighting their voices and stories in other public events, communications products, and public remarks by administration officials. Most Americans still need to hear from these youth and families—to see them as real, loving families and real young people with tremendous potential to thrive and succeed, as well as to understand the dire consequences they now face simply for living on the wrong side of a state line.

Engage and support state, local, and tribal officials to protect youth, families, and providers

We also urge you to use outreach, technical assistance, and convenings with state, local, and tribal officials to highlight and strengthen efforts to support youth and families across the country. We particularly urge you to prioritize both private, and wherever possible public, engagement with state, local, and tribal education, health, and child welfare officials, law enforcement agencies, prosecutors, and school districts in affected and neighboring states. These discussions should explore topics such as outreach and community support, federal versus state compliance issues, privacy issues, workforce and morale issues, supporting youth and families from neighboring jurisdictions, and available resources for federal technical assistance.

Provide additional information, support, and assistance to families, educators, and care workers

Building on recent guidance and resources, agencies including HHS and ED can and should take additional steps to provide additional information and support for families, educators, and school-based and other care workers. For example, HHS and ED should issue updated and expanded publications on best practices to support LGBTQI+ students, building on resources published by the Office of

Elementary and Secondary Education in 2016; guidance on student privacy rights; and guidance and resources on supporting student clubs such as Gender and Sexuality Alliances.

Consider emergency grant funding to address urgent needs

ED and HHS should also assess options for providing additional emergency grant funding to address increased needs for services and support—including suicide prevention, medical and mental health services, and transportation needs—for youth, families, educators, and care workers in affected and neighboring states. ED should also coordinate closely with its four regional Equity Assistance Centers—and especially the Region II EAC covering the South—to ensure Centers proactively engage and support educators and administrators in affected states.

Leverage federal health facilities and programs to support and protect families

The Defense Health Agency, Veterans Health Administration, and the Indian Health Service should also urgently explore options to leverage federally administered health care facilities and programs to protect and support youth and families in affected and neighboring states. Recent experience has shown that even preliminary injunctions may not translate into restored access to needed care, and that still-pending state investigations and threats of retroactive liability have been used to chill protected activities even in the face of court orders. Agencies should explore options such as community outreach and education; social and cultural support programs; expanding access to pharmacy, telehealth, and other health services on an emergency basis; or facilitating the provision of care by community providers. HHS should also engage with US Public Health Service Commissioned Corps members stationed in affected and neighboring states to identify challenges they are facing and provide solutions.

Leverage pending rulemakings to raise awareness and encourage seeking support

We urge you to continue pursuing robust rulemaking to clarify federal statutes, and to restore and expand federal grant requirements to protect LGBTQI+ youth and families from discrimination nationwide. Agencies should also leverage the rulemaking process to raise awareness of existing federal rights and to encourage youth, families, and care workers to reach out for support and to file complaints of discrimination.

Support strategic compliance efforts, enforcement, and litigation based on facts and local circumstances

The federal government cannot shrink from enforcing the law when lives and fundamental freedoms are at stake; indeed, it has a duty to do so appropriately and effectively. We support the Biden-Harris Administration's efforts to rebuild trust and integrity, as well as capacity, within the Justice Department and federal civil rights agencies. Accordingly, we recognize that litigation and civil enforcement decisions must be driven by independent legal judgment and the facts and circumstances in particular cases and jurisdictions, as well as strategic considerations. We urge you to ensure that agencies have the support they need to carefully consider and take appropriate action on potential violations of federal civil rights, privacy, child welfare, grant program integrity, or other laws—including through information requests, compliance reviews, complaint-based or directed investigations, and, where appropriate, legal action, as well as expressing the views of the United States through statements of interest or *amicus* briefs. Where any such steps are taken, we urge you to ensure that they are supported by powerful public explanations—such as the historic speech given by Attorney General Loretta Lynch regarding the human rights of transgender people in May 2016.

Ensure a fully staffed, highly qualified, fair-minded federal bench

Finally, these threats to young people, to their families, to their communities, and to core constitutional values underscore the importance of a fully staffed, highly qualified, and fair-minded federal bench. We urge the President to continue to make nominating and confirming talented, fair-minded constitutionalists to the federal courts a top priority.

We thank you again for your commitment to protecting all children, youth, and families in this country, as well as the educators, medical professionals, and other care workers who support them. We look forward to working with you to protect our cherished constitutional values and ensure no one is endangered, deprived of their liberty or their profession, or separated from their loved ones simply because of who they are, or because of their efforts to help young people survive and thrive.

Signed,

Advocates for Youth

Fenway Health

Affirmations Community Center

First City Pride Center

AIDS United

FORGE, Inc.

All Rainbow and Allied Youth, Inc. (ARAY)

Four Corners Rainbow Youth Center

American Atheists

GENDERNEXUS

American Institute of Dental Public Health

GLMA: Health Professionals Advancing
LGBTQ Equality

Athlete Ally

Grand Rapids Pride Center

Blue Ridge Pride Center, Inc

Great Lakes Bay Pride

Borderland Rainbow Center

Guilford Green Foundation & LGBTQ Center

Building Healthy Online Communities

Howard Brown Health

Callen-Lorde Community Health Center

Hudson Pride Center

CenterLink: The Community of LGBT Centers

Hugh Lane Wellness Foundation

Colors+

Human Rights Campaign

Diversity Center of Oklahoma Inc.

LGBT Center of Greater Reading

Diversity Collective Ventura County

LGBTQ+ Allies Lake County

Eastern PA Trans Equity Project

LGBTQ+ Spectrum of Findlay

EDGE NJ

Los Angeles LGBT Center

Equality Federation

Lyon-Martin Community Health Services

Family Equality

Magic City Acceptance Center
Mazzoni Center
Metro Trans Umbrella Group
Minority Veterans of America
Modern Military Association of America
Movement Advancement Project
Naples Pride
National Center for Lesbian Rights
National Center for Transgender Equality
National LGBT Cancer Network
National LGBTQ Task Force
National Women's Law Center
North County (San Diego) LGBTQ Resource Center
North Shore Alliance of Gay, Lesbian, Bisexual, and Transgender Youth (NAGLY)
one-n-ten
OutCenter Southwest Michigan
OutFront Kalamazoo
Pacific Pride Foundation
PFLAG National
PGH Equality Center
Positive Women's Network-USA
Power Safe Place Resource Center of Virginia
Pride Center San Antonio
Pride Community Center, Inc

Rainbow Center
Rainbow Families
Rainbow Rose Center
Resource Center
SAGE Metro Detroit
The Human Rights Alliance
The LGBTQ Community Center of Southern Nevada
The Pride Center at Equality Park
The Spahr Center
The Trevor Project
Transgender Education Network of Texas (TENT)
Transgender Legal Defense and Education Fund (TLDEF)
Transcend Charlotte
TransFamily Support Services
Transgender Resource Center of New Mexico
Transhealth Northampton
Union for Reform Judaism
Uptown Gay and Lesbian Alliance (UGLA)
URGE: Unite for Reproductive & Gender Equity
Waves Ahead Puerto Rico
Whitman-Walker Institute
Youth OUTright WNC