

# Changes In LGBTQ Rights Under Obama And Trump

Many rights and regulations enacted or clarified in the Obama era have been reversed by the Trump administration. Here are some highlights of what happened and when.

TOPIC	OBAMA ADMINISTRATION	TRUMP ADMINISTRATION
<b>Employment</b>	<p>U.S. Attorney General Eric Holder issues a memorandum on the ways Title VII of the 1964 Civil Rights Act applies to transgender people. "I have determined that the best reading of Title VII's prohibition of sex discrimination is that it encompasses discrimination based on gender identity, including transgender status," Holder writes.</p> <p>Dec. 2014 – <a href="#">Read the memo</a></p>	<p>U.S. Attorney General Jeff Sessions withdraws Holder's 2014 memo, and orders the Justice Department to take the opposite position when arguing court cases. "Title VII's prohibition on sex discrimination encompasses discrimination between men and women, but does not encompass discrimination based on gender identity <i>per se</i>, including transgender status," he writes.</p> <p>Oct. 2017 – <a href="#">Read the memo</a></p>
<b>Education</b>	<p>The federal government issues guidance to public school districts in a "Dear Colleague" letter that says transgender students are entitled to protection that includes the right to use the bathroom that aligns with their gender identity.</p> <p>May 2016 – <a href="#">Read the letter</a></p>	<p>Newly-appointed Secretary of Education Betsy DeVos rescinds the Obama-era guidance in a new "Dear Colleague" letter and also informs the Supreme Court of its new position regarding transgender students' access to bathrooms.</p> <p>Feb. 2017 – <a href="#">Read the letter</a></p>
<b>Military</b>	<p>Defense Secretary Ash Carter holds a press conference announcing a new policy: "Effective immediately, transgender Americans may serve openly, and they can no longer be discharged or otherwise separated from the military just for being transgender."</p> <p>June 2016 – <a href="#">Read the announcement</a></p>	<p>In a series of tweets in July 2017, President Trump writes: "the United States Government will not accept or allow ... transgender individuals to serve in any capacity in the U.S. Military." It takes nearly two years to draft and implement a policy based on that announcement, but what's sometimes referred to as the "trans military ban" comes into effect in March 2019, with some exceptions. As of early 2020, it is still being challenged in court.</p> <p>March 2019 – <a href="#">Read the policy</a></p>
<b>Employment</b>	<p>In an executive order, President Obama says that people who work as contractors with the federal government are protected from discrimination on the basis of gender identity and sexual orientation.</p> <p>July 2014 – <a href="#">Read the executive order</a></p>	<p>The Department of Labor proposes a rule to reverse the Obama-era protections. But the rule goes further, allowing certain for-profit federal contractors to hire and fire their employees based on the employer's religious beliefs. As of early 2020, the rule has not been finalized and is not currently in effect.</p> <p>Aug. 2019 – <a href="#">Read the proposal</a></p>
<b>Housing</b>	<p>The Department of Housing and Urban Development issues a rule requiring homeless shelters that receive a certain type of HUD funding to provide shelter to transgender individuals according to their gender identity. It's known as the Equal Access Rule.</p> <p>Sept. 2016 – <a href="#">Read the rule</a></p>	<p>HUD proposes a rule that would allow homeless shelter operators to determine which services transgender people have access to. Operators could base their decisions on their own religious beliefs, among other factors. As of early 2020, this rule has not been finalized and is not currently in effect.</p> <p>May 2019 – <a href="#">Read the rule</a></p>
<b>Health care</b>	<p>The Department of Health and Human Services issues a rule to protect people from discrimination in health care on the basis of gender identity and sexual orientation. The rule is finalized, but blocked by a federal judge, so it never goes into effect.</p> <p>Dec. 2016 – <a href="#">Read the rule</a></p>	<p>A proposed HHS rule would only protect people on the basis of "sex" -- meaning biological sex -- but not on the basis of sexual orientation or gender identity. Office for Civil Rights' Director Roger Severino explains that his office concluded that "discrimination on the basis of sex does not cover gender identity." As of early 2020, this rule has not been finalized and is not in effect.</p> <p>June 2019 – <a href="#">Read the rule</a></p>

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<b>Criminal Justice</b>	<p>The U.S. Federal Bureau of Prisons issues guidelines in a document called the Transgender Offender Manual. It recommends that incarcerated transgender individuals be housed according to their gender identity when appropriate.</p> <p>Jan. 2017 – <a href="#">Read the manual</a></p>	<p>The Bureau of Prisons issues an update to the Transgender Offender Manual, stating that an inmate’s “biological sex” should serve as the initial determination for placement, and that housing by gender identity is “appropriate only in rare cases.”</p> <p>May 2018 – <a href="#">Read the manual</a></p>
<b>Child Welfare</b>	<p>Under an HHS rule, child welfare organizations that receive federal grants are prohibited from discriminating against otherwise-eligible people on the basis of their gender identity or sexual orientation.</p> <p>Dec. 2016 – <a href="#">Read the rule</a></p>	<p>The Trump administration proposes a new rule that removes those explicit protections. It simultaneously issues a notice of nonenforcement for the Obama era rule. The effect is that child welfare organizations can now choose not to work with prospective adoptive parents who are gay, for instance, and yet still receive taxpayer-funded grants.</p> <p>Nov. 2019 – <a href="#">Read the rule</a></p>

*Credit: Connie Hanzhang Jin, Selena Simmons-Duffin and Emily Vaughn/NPR*