



**To:** Parag V. Mehta, Office of Public Liaison, AAPI, LGBT, Education & the Arts,  
Presidential Transition Team  
**From:** Kathleen R. Padilla  
**Date:** December 10, 2008  
**Re:** Federal initiatives to support transgender equality

Thank you for the opportunity to suggest initiatives to the transition team to address the needs of transgender, transsexual and gender variant people. I look forward to working with you in assisting the administration in removing barriers transgender people face in accessing federal services, providing these services in a manner that considers their unique life experiences and to insure that the civil rights of transgender persons enjoy equity with those of the general population.

### **Short Term**

- Issue an Executive Order including gender identity & expression to the categories covered in the nondiscrimination policies for federal employees.
- Add gender identity & expression to the categories in the FBI hate crimes statistics.
- Include gender identity and expression to the nondiscrimination categories required of businesses, subcontractors and non-profits which receive federal contracts.
- Include transgender people on committees reviewing funding requests for research studying the community.
- Remove exclusions on transgender related health care from federal employees' health plans.
- Include gender identity and expression along with sexual orientation in federal hate crimes legislation.

### **Mid Term**

- Include gender identity and expression along with sexual orientation in federal nondiscrimination legislation that covers employment and public accommodations.
- Review incarceration standards for transgender persons in federal prisons to provide more effective and humane options than administrative segregation and assure access to appropriate medical care. Transgender women are often housed with male prisoners and subject to a great degree of violence and sexual violence. Administrative segregation can consist of solitary confinement for up to 23 hours a day in an attempt to decrease this violence but it has severely detrimental psychological effects and prevents these inmates from accessing rehabilitative services and job training.
- Remove the designation of sex reassignment surgery as experimental from the Medicare Policy Manual. This decision was made over 35 years ago with no input from physicians and does not comport with the recommendations of the American Medical Association or the Standards of Care promulgated by the professional organizations specializing in this field.
- Review approval of transgender hormonal therapy by the FDA.
- ERISA preempts local nondiscrimination legislation regarding health insurance. An unintended consequence is transgender and transsexual people being refused coverage for health care that non-transgender people routinely receive. An example of this is refusal of coverage for both mammograms and PSA tests for male to female transgender women, even though they may be at risk for both breast and prostate cancers. Revise the rule for Nondiscrimination and Wellness Programs in Health Coverage in the Group Market to preclude this discrimination.



- Review Real ID, the issuance of temporary passports with revised gender markers prior to sex reassignment surgery, name and gender change standards on federal records, the SSA and the SSA no match policies to insure transgender and transsexual people have access to identity documents that meet the purposes of verifying a persons identity, support their ability to secure employment and meet the security concerns of the government without disseminating privileged information regarding a citizens gender identity or medical history. Review issuance of forms of identification without a gender marker.
- The National Institute on aging should research the provision of elder services to transgender populations to make best practices recommendations, to eliminate disparities and discrimination in service provision and to provide recommendations for nursing home settings that respect elders' transgender status.
- The Department of Labor should research the extremely high levels of unemployment and underemployment in transgender populations to determine causes, make recommendations to eliminate the employment disparities between transgender populations and the general public and make recommendations to insure that workforce development programs are accessible and address the needs of these populations in a culturally competent manner.
- The Veterans Administration should provide guidance to all programs on the rights of transgender veterans to access health services and to eliminate discrimination faced by these veterans in these programs. The Veterans Administration should review its policies on health service provision to transgender veterans to insure access to needed health and transgender related health services and apply these standards consistently across its programs.
- The Department of Education should study the high drop-out rates, school violence and bullying faced by transgender youth and make recommendations to ameliorate these concerns.
- The National Institute of Mental Health should fund research on the needs of transgender persons who use mental health services and develop best practices recommendations; particularly for inpatient settings.
- Federal Health Agencies should fund research on the health care needs of transgender populations.
- The Center for Disease control should fund research and programs to reduce risk of HIV infection and other conditions in a manner that specifically addresses transgender populations.
- Because of the lack of well controlled, long term studies of the safety and effectiveness of these treatments, involuntary psychiatric hospitalizations solely due to gender variance or transgender status and reparative therapies for "gender identity disorder" should be considered experimental by Medicare and not qualify for reimbursement. Involuntary hospitalization solely due to a person's transgender status should be considered a gross civil rights violation.

### **Long Term**

- Revise SBA Disadvantaged Business Enterprise categories under the Small Business Act & 8 a Program to include transgender status as being eligible for the presumption of social and economic disadvantage. Update USDOT Disadvantaged Business Entity regulations to comport with the SBA regulations.
- Insure proposed federal universal coverage health plans don't discriminate against transgender citizens through exclusions on transgender related health care or refusing treatments to transgender persons that are available to non-transgender persons.
- Repeal DOMA.