

“The Administration’s Religious Liberty Assault on LGBTQ Rights”
Committee on Oversight and Reform
9:00 AM, Thursday, February 27, 2020
2154 RHOB
Rep. Gerald E. Connolly (D-VA)

LGBTQ people, like all people, deserve our love, our respect, and the right to live their lives without fear or shame. Unfortunately, that view is not shared by all in Washington or throughout our nation. Since President Trump’s inauguration, this Administration has taken countless actions to undermine the rights and protections of LGBTQ individuals. I’d like to thank the Chairwoman for calling this hearing to highlight the shocking and disturbing actions taken by this Administration to erase the decade of progress made during previous Administrations to ensure our LGBTQ citizens, and all Americans, are afforded a life free of discrimination.

For too long our transgender community has been unfairly subjected to bullying and misunderstanding. Yet, the Administration seeks to add to this pain. Reports indicate that the Administration is working to establish a legal definition of gender that makes it identical to the biological sex of someone at birth. This action would render some LGBTQ individuals ineligible for statutory civil rights protections. Department of Justice (DOJ) and the Department of Education (DOE) officials also decided that their agencies will no longer protect transgender students’ rights to use locker rooms and bathrooms consistent with their gender identity.

The impact of these actions is immediate and troubling. A Center for American Progress report from 2019 used DOE data to show that LGBTQ-related complaints, such as harassment based on a student’s sexual orientation and gender, submitted during the Trump Administration were “more than nine times less likely to result in corrective action than they were under the Obama administration.” The cruelty in DOE’s inaction is felt by America’s most vulnerable population, our children, at a time when our government, communities, and schools should be teaching acceptance. According to the Williams Institute at the UCLA School of Law, 74 percent of LGBTQ students surveyed in Virginia said they had experienced verbal harassment based on their sexual orientation. If the government refuses to enforce anti-harassment policies in what should be a safe space, our schools, we can only expect discrimination to continue.

And these attacks are just the beginning. The DOJ has filed several amicus briefs advocating for legal interpretations that would create anti-LGBTQ loopholes in every nondiscrimination statute across the country. As of November 2019, the Department of Health and Human Services (HHS) announced that it will no longer prevent federally-funded grantees from discriminating against LGBTQ people, including grants that HHS issues for adoption and early-childhood development programs and sex education.

Furthermore, the Administration’s immoral stance now extends to policies that impact our federal employees. In 2018, the Office of Personnel Management removed guidance about protecting the transgender workforce from its website, the Department of State began denying

family visas for same-sex partners of foreign diplomats, and in 2020, the Department of the Interior removed "sexual orientation" as a protected class from its internal ethics guidelines.

The Trump Administration is taking these discriminatory actions against LGBTQ individuals under the guise of expanding religious freedoms. At the beginning of this Administration, President Trump issued an Executive Order to "vigorously enforce" protections, and the latest "Refusal of Care Rule" would allow a health care provider to deny services to an individual based on their own religious or moral objections. Religious protections, however, cannot come at the expense of denying rights and access to essential services to a whole class of our citizens.

Our courageous witness, Evan Hinton, has a story that embodies why it should never be acceptable for a medical institution to deny care based on their myopic beliefs. The Dignity Health medical chain in California cancelled Mr. Hinton's medical procedure for the sole reason that he was a transgender male. No LGBTQ individual in America should be made to feel like their government ignores or does not care for them. Instead, our government should be working to expand access to health care and other services for all Americans. Such actions are compassionate, but, more pragmatically, they improve the health and welfare of our nation. In Virginia alone, 44 percent of LGBTQ adults suffer from depression, in contrast to 19 percent for non-LGBTQ adults. The Williams Institute reports that reducing this depression disparity could benefit Virginia's economy by \$103 million annually.

In Congress, I am committed to giving voice and dignity to all Americans, including our LGBTQ allies. That is why I am a cosponsor of the Equality Act. In a majority of states, it is still legal to discriminate against LGBTQ Americans for employment, housing, public accommodations, education, and other core areas of day-to-day life. By amending the Civil Rights Act of 1964, the Equality Act will ensure that all LGBTQ individuals enjoy their most basic human rights regardless of where they live, work, or go to school. Just this month, the Virginia General Assembly took a historic step as the first Southern state to pass its own Equality Act adding sexual orientation and gender identity to the list of protected classes. It's high time the federal government do the same.

LGBTQ individuals should be afforded the same protections against discrimination as every other American. The right to access medical care, to shop at local store, or to use a safe locker room should never be dependent on your status as a LGBTQ American. The Trump Administration's policies seek to marginalize and target this class of individuals. I will not tolerate this discrimination, which is anathema to our American values.