



**United States
Stakeholder Report for the United Nations Universal Periodic Review**

**Submitted by The Advocates for Human Rights,
a non-governmental organization in special consultative status,**

and

ILGA-North America and the Caribbean

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The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law since its founding in 1983. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States, including LGBTIQ+ individuals who have experienced discrimination and violence based on sexual orientation, gender identity and expression, and sex characteristics. The Advocates also partners with a global network of LGBTIQ+ human rights defenders on reporting to the United Nations.

ILGA–North America and the Caribbean (ILGA-NAC) is a regional network of civil society organizations committed to advancing the human rights of lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI) people across the United States, Canada, and the English-speaking Caribbean. As part of the global ILGA World federation, ILGA-NAC works to strengthen regional collaboration, support advocacy efforts, and promote inclusive, rights-based policy and legal frameworks.

This report is endorsed by the University of Miami School of Law Human Rights Clinic.

EXECUTIVE SUMMARY

1. The protection of the rights of LGBTIQ+ individuals in the United States was not stable during the reporting period. While the Biden presidential administration made strides in ensuring the protections of LGBTIQ+ Americans, those efforts have been significantly undercut by the current Trump administration. As a result, the legal rights and protections available to LGBTIQ+ individuals vary across jurisdictions within the U.S. and may change following elections or shifts in political leadership, leaving many individuals without stable or consistent protection from discrimination. More positively, during the Third Cycle, marriage equality for all individuals survived challenges through to the U.S. Supreme Court.
2. In this report, we use the acronym LGBTIQ+ to refer to individuals who self-identify as lesbian, gay, bisexual, transgender, intersex, queer, and other sexual and gender minorities. These terms necessarily do not include everyone who may experience violations of their human rights on the basis of their real or perceived sexual orientation, gender identity, gender expression, and/or sex characteristics (“SOGIESC”), which is why we also include a “+” with the acronym. Any use of a modified acronym is intentional in that we are speaking only about certain members of the LGBTIQ+ population.

I. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Equality and non-discrimination; Legal, institutional, and policy framework

Status of Implementation: Accepted, Partially Implemented

1. In its Third-Cycle UPR, the United States received four recommendations to promote equality and non-discrimination for lesbian, gay, bisexual, transgender, and intersex people.¹ The U.S. supported each recommendation.²
2. On 15 June 2020, immediately before its Third-Cycle review, the U.S. Supreme Court issued its decision in *Bostock v. Clayton County*, holding that “sex discrimination” in Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on SOGIE because “it is impossible to discriminate against a person for being homosexual or transgender without discriminating against that individual based on sex.”³ This has been interpreted to also include gender expression. As detailed throughout this stakeholder report, *Bostock* has been interpreted in several different ways, creating uncertainty and underscoring the need for comprehensive legislative and constitutional reform to cement the rights of LGBTQ+ individuals as a protected class.
3. In the Third Cycle, Belgium recommended that the U.S. take all steps “to prohibit discrimination based on sexual orientation or gender identity in credit, education, employment, housing, jury service, public accommodation and taxpayer-funded [programs].”⁴ The U.S. accepted this recommendation and identified Executive Order 13,988, which applied *Bostock* as encompassing SOGI discrimination across the federal government.⁵ Until comprehensive legislation is implemented, a wide array of LGBTQ+ individuals’ federal benefits and taxpayer-funded programs remain vulnerable to the current administration’s interpretation of discrimination on the basis of “sex.”

4. President Biden enacted several policies to ensure equal access to federal financial services, housing assistance programs,⁶ and credit through the Consumer Financial Protection Bureau's (CFPB) interpretation that *Bostock* applied to applications for credit, car loans, mortgage loans, or student loans.⁷ These policies were necessary given that, in a survey of LGBTQ+ individuals, 25% of respondents reported that financial service providers had denied them a loan or account with a same-gender partner and providers had charged 20% of respondents a higher interest rate or cost.⁸ Nevertheless, the CFPB withdrew guidance on "sex discrimination" in May 2025,⁹ eliminating the only federal credit protection available to the majority (53%) of LGBTQ+ individuals living in states without state-level protections against SOGIESC lending discrimination.¹⁰
5. President Biden expanded LGBTIQ+ people's fair access to federal taxpayer-funded programs, including access to accurate identification. In 2022, the Government made available "X" gender markers for U.S. passports,¹¹ which President Trump has halted,¹² also rescinding a 1992 policy allowing transgender individuals to update gender markers on their passports¹³ and collectively preventing transgender and gender-diverse individuals from having accurate government identification documents.¹⁴
6. Although preexisting passports with accurate gender markers remain valid, transgender and gender-expansive individuals cannot update or obtain new passports with accurate gender markers, creating risks when traveling internationally or interacting with U.S. law enforcement.¹⁵ In an interview with National Public Radio (NPR), a transmasculine individual from New York, submitted his passport application following a court-approved name and gender marker change. Despite having a legitimate need, his new passport arrived with the correct name but the incorrect gender marker because his application was filed hours after President Trump took office.
7. This policy also uniquely harms intersex people because the executive order on which it is based incorrectly states that sex is either male or female and fails to recognize intersex individuals in their entirety.¹⁶ An intersex individual who had legally changed her name and updated the gender markers on her identification documents, was unable to change the gender marker on her birth certificate, leaving her with inconsistent identifications.

Right to adequate housing

8. On 11 February 2021, the Department of Housing and Urban Development (HUD) published its interpretation of the Fair Housing Act as prohibiting SOGI discrimination.¹⁷ Further, on 22 April 2021, HUD rescinded a previous proposed rule allowing HUD-funded shelters to exclude transgender individuals from being placed in single-sex facilities aligning with those individuals' gender identities, instead allowing these facilities to force transgender individuals into single-sex facilities based on their sex assigned at birth. President Biden signed Executive Order 14,075, directing HUD to enforce its Equal Access Rule prohibiting SOGI discrimination across federal housing programs, including shelters.¹⁸
9. With the 2025 administration change and rollback of many Biden-era policies, however, the Government now permits federally funded shelters to deny access to transgender and gender-diverse individuals.¹⁹ HUD also barred the use of funds to "promote gender ideology," without defining "gender ideology."²⁰ This vagueness, coupled with conflicting

state nondiscrimination laws, leaves transgender and gender-diverse people facing significant government-imposed obstacles to federal housing programs access.²¹

10. For transgender and gender-diverse people in need of emergency shelter, these policies leave them at risk of significant harassment, abuse, and/or violence. It may mean that they are actually safer on the street than in a shelter that does not correspond with their gender identity.²² These policy changes are alarming given the disparities documented in a 2024 study of Los Angeles County, which emphasized the vulnerability of LGBTQ+ individuals seeking housing: 28% of transgender and nonbinary individuals reported being denied access to shelters because of perceived or actual gender identity and 20% were denied housing generally.²³ In another survey, 48% of indicated they had or were considering moving to more affirming state with 76% citing LGBTQ+ rights concerns as a primary driver, 60% citing the anti-trans climate in their state, and 82% identifying cost as a barrier to relocation.²⁴

Right to food

11. Similarly, access to federal food assistance programs has dwindled for LGBTQ+ individuals since the current Trump administration ended federal enforcement of SOGI non-discrimination in food assistance programs.²⁵

Right to healthcare; Access to healthcare

12. The first Trump administration weaponized the Affordable Care Act's (ACA) prohibition on sex discrimination²⁶ against transgender people by excluding gender identity from the ACA's non-discrimination clause²⁷ and reinstating a narrow interpretation.²⁸ This was a reversal of the Biden administration specifically adding protections against discrimination against transgender individuals.²⁹
13. In early 2023, the Department of Health and Human Services began the first government-wide SOGI health data collection, documenting healthcare disparities.³⁰ This data collection has largely stopped during the second Trump administration due to the systematic removal of gender identity and sexual orientation from federal data collections, creating structural mechanisms to render LGBTIQ+ people invisible in public health.³¹ SOGIESC data collection identifies disparities in care for LGBTIQ+ individuals and without it, policymakers and researchers have limited data to justify targeted policy responses.
14. The current Trump administration has blocked gender-affirming care for individuals under age 19 via executive order.³² The order ended Medicare, Medicaid, and ACA coverage of gender-affirming care, which it termed "chemical and surgical mutilation" – language rejected by every major U.S. medical organization.³³ The Supreme Court also has allowed at least 27 state bans on gender-affirming care for youth to go forward, with only 16 states, including D.C., protecting youth access to gender-affirming care.³⁴ These discrepancies in the legality of care jeopardize all individuals' access to vital healthcare and produce special challenges for those in states with bans who must travel out-of-state for care, even if the parents, doctors, and child agree treatment is necessary.³⁵
15. Healthcare for members of the military and their families is also in jeopardy. President Biden's restoration of gender-affirming care coverage under TRICARE (the military health insurance plan),³⁶ and his expansion of access to gender-affirming and other LGBTIQ+-

related care for veterans,³⁷ were partially eliminated when Congress enacted the 2025 National Defense Act, which blocked TRICARE coverage for transgender children of servicemembers – the first anti-LGBTIQ+ federal law since DOMA in 1996.³⁸

16. Although some of the Trump administration’s policies are being challenged in its second term,³⁹ rollbacks have limited access of LGBTIQ+ individuals to healthcare, leaving those protections vulnerable to future policy reversals. The speed at which executive action affects sweeping change underscores the need for comprehensive federal non-discrimination legislation that expressly prohibits SOGIESC discrimination.

Right to work; Right to just and favourable conditions of work

17. President Biden extended *Bostock*’s definition of “sex discrimination” to all federal employment and contractor obligations⁴⁰ and established a comprehensive diversity, equity, inclusion, and accessibility (DEIA) framework for the federal workforce.⁴¹
18. Upon reelection, President Trump immediately signed executive orders⁴² eliminating all federal DEIA programs and contractor requirements.⁴³ His administration ended diversity promotion and affirmative action enforcement based on sexual orientation, directing the Attorney General to eliminate DEIA in the private sector through litigation and regulatory action.⁴⁴ The Williams Institute estimates that these orders eliminated nondiscrimination protections for approximately 14,000 transgender federal employees and over 100,000 LGBTIQ+ contractors.⁴⁵
19. The Biden administration had restored transgender individuals’ ability to serve in the military through Executive Order 14,004.⁴⁶ President Trump, however, rolled this back, reinstating a transgender military ban, segregating facilities by sex (not gender), and characterizing transgender identity as incommensurate with military integrity.⁴⁷ The courts allowed this ban to take effect in May of 2025.⁴⁸
20. Today, LGBTQ+ individuals have lost key employment protections – primarily because there are no legislative protections for LGBTQ+ people and these protections depend upon executive interpretation of a single Supreme Court decision – including DEIA programming and contractor nondiscrimination requirements, and transgender servicemembers have been discharged or will face discharge under the military ban.
21. Although there have been few examples of the U.S. Government codifying protections for LGBTIQ+ people at the federal level, it did enact the Respect for Marriage Act, which codified the federal definition of “marriage” as between two individuals, regardless of sex, race, ethnicity, or national origin.⁴⁹ This recognition affords LGBTIQ+ people equal access to the benefits of marriage and this equal access is not dependent upon judicial or executive interpretation.
22. In a 2024 survey of LGBTQ+ Americans, 60% reported that marriage affected their lives in terms of saving, investing, and financial planning.⁵⁰ The benefits accessed through a legally recognized marriage include access to survivor benefits for social security;⁵¹ access to tax benefits for married people;⁵² and marriage-based credit rights, including joint mortgage applications.⁵³

Lesbian, gay, bisexual, transgender and intersex persons (LGBTI)

Status of Implementation: Accepted, Partially Implemented

23. During the Third Cycle, the U.S. supported France’s recommendation to “[g]uarantee the protection of lesbian, gay, bisexual, transgender and intersex persons and put an end to the discrimination they suffer.”⁵⁴ Although the U.S. supported this recommendation, implementation during the reporting period has been limited and inconsistent.

State-level equality and non-discrimination

24. The legal and policy landscape affecting LGBTIQ+ persons in the U.S. evolved unevenly during the reporting period. While certain federal interpretations of civil rights law expanded protections against discrimination based on SOGIE, state legislatures increasingly introduced and enacted laws restricting the rights of LGBTIQ+ individuals, particularly transgender and nonbinary people.⁵⁵ These developments have contributed to a fragmented legal environment in the U.S., as protections vary significantly depending on geographic location⁵⁶ and on state or local law, leaving many LGBTIQ+ individuals without consistent protections nationwide.⁵⁷
25. The U.S. lacks comprehensive federal legislation prohibiting discrimination on the basis of SOGIESC in areas such as public accommodations, housing, and credit.⁵⁸ As a result, the availability of legal protections frequently depends on state and local law, producing a fragmented regulatory landscape in which many LGBTIQ+ individuals remain vulnerable to discrimination.
26. During the reporting period, state legislatures introduced a record number of bills affecting LGBTQ+ rights. State-level legislators introduced hundreds of legislative proposals on gender-affirming healthcare, education, identity documentation, and participation in public life,⁵⁹ with nearly 500 anti-LGBTQ+ state bills introduced in 2024 alone.⁶⁰
27. Many of these state-level legislative efforts attempt to restrict or prohibit access to gender-affirming medical care for youth. For example, Tennessee in 2023 prohibited physicians from providing puberty blockers or hormone therapy to transgender youth, a law that has been the subject of ongoing federal litigation.⁶¹ Similarly, Arkansas passed the Save Adolescents from Experimentation Act in 2021, prohibiting gender-affirming medical treatments for children.⁶² Further, in 2022, Alabama enacted legislation criminalizing certain gender-affirming medical treatments for children, although portions of the law have been challenged in court.⁶³ Also in 2022, Florida adopted policies restricting gender-affirming medical care for youth through both legislation and administrative rules, including limitations on treatment protocols and medical providers.⁶⁴ Finally, Texas state authorities issued directives instructing child welfare agencies to investigate certain gender-affirming medical treatments for children as potential child abuse, resulting in litigation and administrative disputes.⁶⁵
28. In June 2025, the U.S. Supreme Court decided in *U.S. v. Skrametti*⁶⁶ that state-level bans on hormone replacement therapy for transgender youth were constitutional.⁶⁷ The Court declined to find that “transgender individuals are a suspect or quasi-suspect class,”⁶⁸ meaning that they are not deserving of heightened protection under the Equal Protection Clause of the Fourteenth Amendment.

29. By declining to extend sweeping constitutional equal protection to transgender individuals with *Skrametti*, the Supreme Court left transgender people vulnerable to further discriminatory legislation that would not be subject to heightened scrutiny.
30. State legislation has also targeted the participation of transgender students in school athletics. For example, in 2020, Idaho enacted one of the first statewide laws restricting participation in school sports based on sex assigned at birth.⁶⁹ State laws, regulations, and/or policies currently ban transgender students from participating in sports consistent with their gender identity in 29 states⁷⁰ and generally prohibit transgender girls from participating in girls' athletics. The disproportionate focus, at both the state and federal levels, have been on transgender girls and women, not on transgender boys and men.
31. Additional state-level legislation has targeted transgender people's access to gender-segregated facilities, with a focus on bathroom use. For example, Oklahoma enacted legislation requiring students to use bathrooms corresponding to sex assigned at birth, while Tennessee adopted similar restrictions affecting public schools and certain government buildings.⁷¹ In 2024, 13 states had legislation prohibiting transgender people from using bathrooms consistent with their gender identity.⁷² This legislation has targeted both youth accessing school bathrooms and transgender people in general accessing public bathrooms.
32. In June 2026, the Supreme Court will again take up the issue of whether transgender status requires heightened scrutiny when it hears the petition for certiorari of *Hecox v. Little*, the case challenging an Idaho law banning transgender female students from participating in girls' and women's sports. The Ninth Circuit Court of Appeals,⁷³ relying on *Bostock*, held that the Idaho statute was subject to heightened scrutiny because "discrimination on the basis of transgender status is a form of sex-based discrimination."⁷⁴ Oral arguments have been heard and the commentators have noted the Supreme Court appears likely to uphold the Idaho law.⁷⁵
33. In other instances, the Supreme Court has declined to hear appeals or petitions of certiorari on state transgender laws, with meaningful implications.⁷⁶ For example, while transgender youth in the states within the Fourth Circuit may use the bathroom aligned with their identity, transgender students in the Eleventh Circuit may not. These "circuit splits" further the divide among states regarding LGBTIQ policies.
34. In addition to restrictions affecting youth, some states have enacted laws affecting legal gender recognition and identity documentation and/or policies restricting the ability of transgender individuals to amend gender markers on identity documents such as birth certificates or driver's licenses.⁷⁷ In some jurisdictions, legislation defining "sex" in statutory law has also been used to limit administrative recognition of transgender identities.⁷⁸
35. Local nondiscrimination protections have also faced increasing challenges through state preemption laws and have affected local civil rights protections.
36. State legislation has further sought to regulate gender expression in public spaces, with a focus on drag performances. Tennessee, at the forefront of these efforts, enacted legislation in 2023 called the "Adult Entertainment Act" restricting certain drag performances in public venues where minors may be present.⁷⁹ On a positive note, the "drag bans" have not

stood muster against First Amendment protection of free speech: the Eleventh Circuit found Florida’s prohibition of “lewd conduct” was too vague and overbroad to fit within the “obscenity” exception to the First Amendment,⁸⁰ while the Fifth Circuit remanded to the District Court for applying the wrong vagueness standard.⁸¹

37. These legal developments have generated significant concern among LGBTIQ+ individuals regarding discrimination and safety. Research from the Williams Institute indicates that following the 2024 presidential election, transgender individuals report heightened concerns regarding discrimination, barriers to healthcare, and the risk of violence.⁸²

II. RECOMMENDATIONS

38. The co-authors of this stakeholder report suggest the following recommendations to the Government of the United States:

- Adopt comprehensive federal legislation prohibiting discrimination based on SOGIESC and codifying *Bostock*’s recognition that discrimination based on SOGIESC constitutes prohibited sex discrimination.
- Amend federal civil rights laws, including Title IX of the Education Amendments of 1972, to explicitly prohibit discrimination based on SOGIESC and ensure equal access to educational programs, school facilities, and extracurricular activities for transgender students.
- Ensure access to evidence-based gender-affirming healthcare by repealing measures that restrict medical care for transgender individuals, youth in particular.
- Implement a national strategy to monitor, report on, and combat discrimination and violence of all types based on SOGIESC, developed in consultation with affected communities and civil society organizations.
- Restore the systematic collection of SOGIESC data in federal demographic, health, education, employment, and credit and housing data systems, with appropriate safeguards to protect privacy, to identify and address disparities affecting LGBTIQ+ individuals.

¹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: United States*, (Dec 15, 2020), U.N. Doc. A/HRC/46/15, ¶ 26.140 Strengthen activities and laws aimed at eliminating discrimination in society and other forms of intolerance against minorities and other groups, including based on race, ethnicity, sexual orientation, and gender identity (Iceland); ¶ 26.146 Take all possible steps at the state and federal levels to prohibit discrimination based on sexual orientation or gender identity in credit, education, employment, housing, jury service, public accommodation and taxpayer-funded programmes (Belgium); ¶ 26.147 Guarantee the protection of lesbian, gay, bisexual, transgender, and intersex persons and put an end to the discrimination they suffer (France); ¶ 26.148 Strengthen measures to prevent and combat violence, especially the rate of murder of transgender women of colour, as well as the violence experienced by the broader lesbian, gay, bisexual, and transgender community (Malta).

² Human Rights Council, *Addendum to the Report of the Working Group on the Universal Periodic Review: United States*, (Mar. 4, 2021), U.N. Doc. A/HRC/46/15/Add.1, ¶ 6 (noting support for recommendations 140, 146-148.)

³ *Bostock v. Clayton County, Georgia*, 590 U.S. 644, 660 (2020).

⁴ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: United States*, (Dec. 15, 2020), U.N. Doc. A/HRC/46/15, ¶ 26.146 Take all possible steps at the state and federal levels to prohibit discrimination

based on sexual orientation or gender identity in credit, education, employment, housing, jury service, public accommodation and taxpayer-funded programmes (Belgium).

⁵ Human Rights Council, *Addendum to the Report of the Working Group on the Universal Periodic Review: United States*, (Mar. 4, 2021), U.N. Doc. A/HRC/46/15/Add.1, ¶ 6 (noting support for recommendations 140, 146-47.)

⁶ Center for American Progress, “A Timeline of the Biden Administration’s Efforts to Support LGBTQ Equality in the First 100 Days,” accessed Apr. 1, 2026, <https://www.americanprogress.org/article/timeline-biden-administrations-efforts-support-lgbtq-equality-first-100-days/>; Exec. Order 14,075, Advancing Equality for Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Individuals, 87 Fed. Reg. 37189 (June 15, 2022).

⁷ Bureau of Consumer Financial Protection, *Equal Credit Opportunity (Regulation B); Discrimination on the Bases of Sexual Orientation and Gender Identity*, 86 Fed. Reg. 14363-66 (Mar. 16, 2021).

⁸ Spencer Watson, *How the Rescission of 67 CFPB Guidance Documents Tramples Rights for LGBTQ+ People and All U.S. Consumers*, CENTER FOR LGBTQ+ ECON. ADVANCEMENT & RESEARCH, June 20, 2025, <https://lgbtq-economics.org/2025/06/20/how-the-rescission-of-67-cfpb-guidance-documents-tramples-rights-for-lgbtq-people-all-u-s-consumers/> citing Center for LGBTQ Economic Advancement & Research, *The LGBTQI+ Economic and Financial (LEAF) Survey: Understanding the Financial Lives of LGBTQI+ People in the United States*, <https://lgbtq-economics.org/research/leaf-report-2023/>

⁹ Consumer Financial Protection Bureau, Interpretative Rules, Policy Statements, and Advisory Opinions; Withdrawal, 90 Fed. Reg. 20084-87 (May 12, 2025), <https://www.govinfo.gov/content/pkg/FR-2025-05-12/pdf/2025-08286.pdf>

¹⁰ Spencer Watson, *How the Rescission of 67 CFPB Guidance Documents Tramples Rights for LGBTQ+ People and All U.S. Consumers*, CENTER FOR LGBTQ+ ECON. ADVANCEMENT & RESEARCH, June 20, 2025, <https://lgbtq-economics.org/2025/06/20/how-the-rescission-of-67-cfpb-guidance-documents-tramples-rights-for-lgbtq-people-all-u-s-consumers/>.

¹¹ Press Release, U.S. Department of State, X Gender Marker Available on U.S. Passports Starting April 11 (Mar. 31, 2022). Also available online at <https://2021-2025.state.gov/x-gender-marker-available-on-u-s-passports-starting-april-11>.

¹² *Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government*, Exec. Order No. 14, 168, 90 Fed. Reg. 8615 (Jan. 30, 2025), <https://www.federalregister.gov/documents/2025/01/30/2025-02090/defending-women-from-gender-ideology-extremism-and-restoring-biological-truth-to-the-federal>.

¹³ Press Release, U.S. Department of State, New Policy on Gender Change in Passports Announced (June 9, 2010). Also available online at <https://2009-2017.state.gov/r/pa/prs/ps/2010/06/142922.htm>.

¹⁴ U.S. Department of State, “Sex Marker in Passports,” accessed Apr. 1, 2026, <https://travel.state.gov/content/travel/en/passports/passport-help/sex-marker.html>.

¹⁵ Jaelyn Diaz, *Trump’s Passport Policy Leaves Trans, Intersex Americans in the Lurch*, NATIONAL PUBLIC RADIO, Feb. 21, 2025, <https://www.npr.org/2025/02/21/nx-s1-5300880/trump-passport-policy-trans-gender-intersex-nonbinary>.

¹⁶ Jaelyn Diaz, *Trump’s Passport Policy Leaves Trans, Intersex Americans in the Lurch*, NATIONAL PUBLIC RADIO, Feb. 21, 2025, <https://www.npr.org/2025/02/21/nx-s1-5300880/trump-passport-policy-trans-gender-intersex-nonbinary>.

¹⁷ Center for American Progress, “A Timeline of the Biden Administration’s Efforts to Support LGBTQ Equality in the First 100 Days,” accessed Apr. 1, 2026, <https://www.americanprogress.org/article/timeline-biden-administrations-efforts-support-lgbtq-equality-first-100-days/>; Department of Housing and Urban Development. “Implementation of Executive Order 13988 on the Enforcement of the Fair Housing Act,” accessed Apr. 1, 2026, <https://www.fairhousingnc.org/wp-content/uploads/2021/02/Worden-Memo-EO13988-FHAct-Implementation-2-11-21-signed-final.pdf> (memorandum); Press Release, Department of Housing and Urban Development, HUD Withdraws Proposed Rule, Reaffirms Its Commitment to Equal Access to Housing, Shelters and Other Services Regardless of Gender Identity, HUD No. 21-069 (Apr. 22, 2021). Also available online at https://web.archive.org/web/20210422201658/https://www.hud.gov/press/press_releases_media_advisories/HUD_No_21_069.

¹⁸ *Advancing Equality for Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Individuals*, Exec. Order No. 14,075, 87 Fed. Reg. 37189 (June 15, 2022), <https://www.federalregister.gov/documents/2022/06/21/2022-13391/advancing-equality-for-lesbian-gay-bisexual-transgender-queer-and-intersex-individuals>.

¹⁹ Press Release, Department of Housing and Urban Development, Secretary Scott Turner Halts Enforcement Actions of HUD’s Gender Identity Rule (Feb. 2025). Also available online at <https://www.hud.gov/news/hud-no-25->

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²⁰ Shelterforce, “Increased Danger for Unhoused Trans People as HUD Moves to Limit Equal Shelter Access,” accessed Apr. 1, 2026, <https://shelterforce.org/2025/05/22/increased-danger-for-unhoused-trans-people-as-hud-moves-to-limit-equal-shelter-access/>.

²¹ Ibid.; Williams Institute, *Housing Is an LGBTQ Issue*, by Brad Sears (Los Angeles: Williams Institute, Oct. 2024), accessed Apr. 1, 2026, <https://williamsinstitute.law.ucla.edu/publications/housing-is-an-lgbtq-issue/>.

In another survey, 48% indicated they had or were considering moving to more affirming state with 76% citing LGBTQ+ rights concerns as a primary driver, 60% citing the anti-trans climate in their state, and 82% identifying cost as a barrier to relocation. (Williams Institute, *The Impact of Anti-Transgender Policy and Public Opinion on Travel and Relocation*, by Abbie E. Goldberg and Brad Sears (Los Angeles: Williams Institute, May 2025), accessed Apr. 1, 2026, <https://williamsinstitute.law.ucla.edu/publications/transgender-moving-desire/>).

²² Shelterforce, “Increased Danger for Unhoused Trans People as HUD Moves to Limit Equal Shelter Access,” accessed Apr. 1, 2026, <https://shelterforce.org/2025/05/22/increased-danger-for-unhoused-trans-people-as-hud-moves-to-limit-equal-shelter-access/>.

²³ Williams Institute, *Housing Is an LGBTQ Issue*, by Brad Sears (Los Angeles: Williams Institute, Oct. 2024), accessed Apr. 1, 2026, <https://williamsinstitute.law.ucla.edu/publications/housing-is-an-lgbtq-issue/>.

²⁴ Williams Institute, *The Impact of Anti-Transgender Policy and Public Opinion on Travel and Relocation*, by Abbie E. Goldberg and Brad Sears (Los Angeles: Williams Institute, May 2025), accessed Apr. 1, 2026, <https://williamsinstitute.law.ucla.edu/publications/transgender-moving-desire/>.

²⁵ Press Release, United States Department of Agriculture, Secretary Rollins Terminates Biden’s Racial and Gender Discrimination in USDA Programs (July 10, 2025). Also available online at <https://www.usda.gov/about-usda/news/press-releases/2025/07/10/secretary-rollins-terminates-bidens-racial-and-gender-discrimination-usda-programs> (noting that during the Biden administration the U.S. Department of Agriculture required that schools with federal nutrition funding investigate SOGI discrimination complaints, covering nearly 30 million people); *Removal of Unconstitutional Preferences on Race and Sex in Response to Court Ruling*, 90 Fed. Reg. 3055 (July 10, 2025), <https://www.federalregister.gov/documents/2025/07/10/2025-12877/removal-of-unconstitutional-preferences-based-on-race-and-sex-in-response-to-court-ruling>; Williams Institute, *Food Insecurity and Reliance on SNAP Among LGBT Adults*, by Brad Sears, Andrew R. Flores, et.al, (Los Angeles: Williams Institute, June 2025), accessed Apr. 1, 2026, <https://williamsinstitute.law.ucla.edu/wp-content/uploads/SNAP-Reliance-Jul-2025.pdf>.

²⁶ Patient Protection and Affordable Care Act, 42 U.S. Code § 18116 (2010).

²⁷ Non-discrimination in Health and Health Education Programs or Activities, Delegation of Authority, 85 Fed. Reg. 37160 (June 19, 2020), <https://www.govinfo.gov/content/pkg/FR-2020-06-19/pdf/2020-11758.pdf>.

²⁸ Press Release, Department of Health and Human Services, Recission of HHS Notice and Guidance on Gender Affirming Care, Civil Rights, and Patient Privacy (Feb. 20, 2025). Also available online at <https://www.hhs.gov/sites/default/files/ocr-rescission-february-20-2025-notice-guidance.pdf>.

²⁹ Non-discrimination in Health Programs and Activities, 89 Fed. Reg. 37522 (May 6, 2024), <https://www.federalregister.gov/documents/2024/05/06/2024-08711/nondiscrimination-in-health-programs-and-activities>.

³⁰ Department of Health and Human Services, *Sexual Orientation and Gender Identity (SOGI) Data Action Plan* (Washington, D.C.: Department of Health and Human Services, 2023).

³¹ Williams Institute, *Removal of Sexual Orientation and Gender Identity from Federal Data Collections*, by Lauren Bouton and Elana Redfield (Los Angeles: Williams Institute, Feb. 2026).

³² *Protecting Children from Chemical and Surgical Mutilation*, Exec. Order No. 14,187, 90 Fed. Reg. 8771 (Jan. 28, 2025), <https://www.federalregister.gov/documents/2025/02/03/2025-02194/protecting-children-from-chemical-and-surgical-mutilation>.

³³ Melissa Jenco, *AAP Speaks Out Against HHS Report on Gender Dysphoria, Infringement on Physician-Patient Relationship*, AAPNEWS, May 1, 2025, <https://publications.aap.org/aapnews/news/32145/AAP-speaks-out-against-HHS-report-on-gender>.

³⁴ *United States v. Skrmetti*, 605 U.S. ____ (2025); Human Rights Campaign Foundation, “Map: Attacks on Gender-Affirming Care by State,” accessed Mar. 6, 2026, <https://www.hrc.org/resources/attacks-on-gender-affirming-care-by-state-map>.

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- ³⁵ Aaron Bolton, *Gender-Affirming Healthcare for Minors Is Becoming Harder to Get*, National Public Radio, Aug. 1, 2025, <https://www.npr.org/2025/08/01/nx-s1-5482866/gender-affirming-healthcare-for-minors-is-becoming-harder-to-get>.
- ³⁶ *Enabling All Qualified Americans to Serve Their Country in Uniform*, Exec. Order No. 14,004, 86 Fed. Reg. 7471 (Jan. 28, 2021), <https://www.federalregister.gov/documents/2021/01/28/2021-02034/enabling-all-qualified-americans-to-serve-their-country-in-uniform>.
- ³⁷ *Advancing Equality for Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Individuals*, Exec. Order No. 14,075, 87 Fed. Reg. 37189 (June 15, 2022), <https://www.federalregister.gov/documents/2022/06/21/2022-13391/advancing-equality-for-lesbian-gay-bisexual-transgender-queer-and-intersex-individuals>.
- ³⁸ Press Release, Human Rights Campaign, President Biden Signs Defense Bill Blocking Health Care for Trans Military Children, First Anti-LGBTQ+ Federal Law Enacted Since ‘Defense of Marriage Act’ (Dec. 24, 2024). Also available online at <https://www.hrc.org/press-releases/president-biden-signs-defense-bill-blocking-health-care-for-trans-military-children-first-anti-lgbtq-federal-law-enacted-since-defense-of-marriage-act>.
- ³⁹ *Protecting Children from Chemical and Surgical Mutilation*, Exec. Order No. 14,187, 90 Fed. Reg. 8771 (Jan. 28, 2025), <https://www.federalregister.gov/documents/2025/02/03/2025-02194/protecting-children-from-chemical-and-surgical-mutilation>.
- ⁴⁰ *Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation*, Exec. Order No. 13,988, 86 Fed. Reg. 7023 (Jan. 25, 2021), <https://www.federalregister.gov/documents/2021/01/25/2021-01761/preventing-and-combating-discrimination-on-the-basis-of-gender-identity-or-sexual-orientation>.
- ⁴¹ *Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce*, Exec. Order No. 14,035, 86 Fed. Reg. 34593 (June 30, 2021), <https://www.federalregister.gov/documents/2021/06/30/2021-14127/diversity-equity-inclusion-and-accessibility-in-the-federal-workforce>.
- ⁴² See *Ending Radical and Wasteful Government DEI Programs and Preferencing*, Exec. Order No. 14,151, 90 Fed. Reg. 8339 (Jan. 29, 2025), <https://www.federalregister.gov/documents/2025/01/29/2025-01953/ending-radical-and-wasteful-government-dei-programs-and-preferencing>; *Ending Illegal Discrimination and Restoring Merit-Based Opportunity*, Exec. Order No. 14,173, 90 Fed. Reg. 8633 (Jan. 31, 2025).
- ⁴³ *Rescission of Executive Order 11246 Implementing Regulations*, 90 Fed. Reg. 28472 (July 1, 2025), <https://www.federalregister.gov/documents/2025/07/01/2025-12276/rescission-of-executive-order-11246-implementing-regulations>.
- ⁴⁴ *Rescission of Executive Order 11246 Implementing Regulations*, 90 Fed. Reg. 28472 (July 1, 2025), <https://www.federalregister.gov/documents/2025/07/01/2025-12276/rescission-of-executive-order-11246-implementing-regulations>.
- ⁴⁵ Williams Institute, *Impact of Executive Order Revoking Non-Discrimination Protections for LGBTQ Federal Employees and Employees of Federal Contractors*, by Brad Sears (Los Angeles: Williams Institute, Jan. 2025), accessed Apr. 1, 2026, <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Federal-ND-Protections-EO-Jan-2025.pdf>.
- ⁴⁶ *Enabling All Qualified Americans to Serve Their Country in Uniform*, Exec. Order No. 14,004, 86 Fed. Reg. 7471 (Jan. 28, 2021), <https://www.federalregister.gov/documents/2021/01/28/2021-02034/enabling-all-qualified-americans-to-serve-their-country-in-uniform>.
- ⁴⁷ *Prioritizing Military Excellence and Readiness*, Exec. Order No. 14,183, 90 Fed. Reg. 8757 (Feb. 3, 2025), <https://www.federalregister.gov/documents/2025/02/03/2025-02178/prioritizing-military-excellence-and-readiness>.
- ⁴⁸ *Talbott v. United States*, No. 25-cv-00240 (D.C. Cir. Dec. 9, 2025).
- ⁴⁹ Respect for Marriage Act, Pub. L. No. 117-228, 136 Stat. 2305-07 (2022); American Civil Liberties Union, “Here’s What You Need to Know About the Respect for Marriage Act,” accessed Apr. 1, 2026, <https://www.aclu.org/news/lgbtq-rights/what-you-need-to-know-about-the-respect-for-marriage-act>.
- ⁵⁰ Williams Institute, *Perspectives on Marriage Equality in 2024*, by Abbie Goldberg (Los Angeles: Williams Institute, June 2024).; Tammy Webber, *Same-Sex Couples Still Wary Despite Federal Marriage Rights Bill*, Associated Press, Dec. 5, 2022, <https://www.pbs.org/newshour/politics/same-sex-couples-still-wary-despite-federal-marriage-rights-bill> (first hand interview with same-sex couple discussing the legal protections marriage provides “including the ability to claim survivor benefits from Social Security and to obtain health insurance through a spouse’s plan, and tax benefits, such as the ability to leave assets to a spouse.”).

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- ⁵¹ U.S. Social Security Administration, Pub. No. 17-019, “*Survivors Benefits for Same-Sex Partners and Spouses*” (Washington, D.C.: Social Security Administration, May 2022), accessed Apr. 1, 2026, <https://www.ssa.gov/pubs/EN-17-019.pdf>.
- ⁵² Press Release, U.S. Department of the Treasury, All Legal Same-Sex Marriages Will Be Recognized for Federal Tax Purposes (Aug. 29, 2013). Also available online at <https://home.treasury.gov/news/press-releases/jl2153>.
- ⁵³ M.V. Lee Badgett, Christopher Carpenter, et. al, *A Review of the Effects of Legal Access to Same-Sex Marriage*, JOURNAL OF POLICY ANALYSIS AND MANAGEMENT 278, (2024), <https://onlinelibrary.wiley.com/doi/10.1002/pam.22587>. (noting that legalizing same-sex marriage led to a significant increase in application for mortgage credit from same-sex couples).
- ⁵⁴ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: United States*, (Dec. 15, 2020), U.N. Doc. A/HRC/46/15, ¶ 26.147 Guarantee the protection of lesbian, gay, bisexual, transgender and intersex persons and put an end to the discrimination they suffer (France).
- ⁵⁵ Human Rights Watch, *World Report 2026: United States* (Feb. 2026), <https://www.hrw.org/world-report/2026/country-chapters/united-states> (documenting increasing state-level legislative and policy measures affecting LGBT persons, including laws targeting transgender individuals and restrictions on gender-affirming care).
- ⁵⁶ Amnesty International, *The State of the World’s Human Rights: United States of America*, in *Amnesty International Report 2025/26* (Apr. 28, 2025), 385-390, <https://www.amnesty.org/en/documents/pol10/8515/2025/en/> (noting growing legislative efforts in several U.S. states restricting LGBTI rights and the uneven protection of LGBTI persons across jurisdictions).
- ⁵⁷ Williams Institute, *Impact of Executive Order Revoking Non-Discrimination Protections for LGBTQ Federal Employees and Employees of Federal Contractors*, by Brad Sears (Los Angeles: Williams Institute, Jan. 2025), accessed Apr. 1, 2026, <https://williamsinstitute.law.ucla.edu/publications/impact-eo-nd-federal-workers/> (summarizing federal statutory protections and identifying remaining gaps in nationwide nondiscrimination protections affecting LGBTQ persons).
- ⁵⁸ Human Rights Campaign Foundation, *2024 State Equality Index*, by Cathryn Oakley, Courtney Avant, and Brittany Pham (Washington, D.C.: Human Rights Campaign Foundation, 2025), accessed Apr. 1, 2026, <https://reports.hrc.org/2024-state-equality-index>.
- ⁵⁹ American Civil Liberties Union, “Mapping Attacks on LGBTQ Rights in U.S. State Legislatures in 2026,” accessed Apr. 1, 2026, <https://www.aclu.org/legislative-attacks-on-lgbtq-rights-2026>.
- ⁶⁰ Human Rights Campaign Foundation, *2024 State Equality Index*, by Cathryn Oakley, Courtney Avant, and Brittany Pham (Washington, D.C.: Human Rights Campaign Foundation, 2025), accessed Apr. 1, 2026, <https://reports.hrc.org/2024-state-equality-index>; Human Rights Watch, *World Report 2025: United States* (Jan. 2025), <https://www.hrw.org/world-report/2025/country-chapters/united-states> (documenting the rapid increase in state-level legislative proposals affecting LGBTIQ+ persons, including legislation targeting transgender youth).
- ⁶¹ *United States v. Skrmetti*, 605 U.S. 495 (2025); Greg Stohr, *Supreme Court Upholds Curbs on Care for Transgender Minors*, Bloomberg, June 18, 2025, <https://www.bloomberg.com/news/articles/2025-06-18/supreme-court-upholds-curbs-on-treatment-for-transgender-minors>.
- ⁶² Lydia Wheeler, *Legal Fight Brews Over Ban on Medical Care for Transgender Kids*, Bloomberg Law, Apr. 27, 2021, <https://news.bloomberglaw.com/health-law-and-business/legal-fight-brews-over-ban-on-medical-care-for-transgender-kids>.
- ⁶³ *Alabama Legislature voters to ban gender-affirming medical care for transgender youth*, NATIONAL PUBLIC RADIO, Apr. 7, 2022, <https://www.npr.org/2022/04/07/1091510026/alabama-gender-affirming-care-trans-transgender>; Press Release, National Center for Lesbian Rights, Update on the Federal Challenge to Alabama’s Law Banning Medical Care for Transgender Minors and Access to Care. Also available online at <https://www.nclrights.org/about-us/press-release/update-on-the-federal-challenge-to-alabamas-law-banning-medical-care-for-transgender-minors-and-access-to-care/>.
- ⁶⁴ Azeen Ghorayshi, *Florida Restricts Doctors From Providing Gender Treatments to Minors*, NEW YORK TIMES, Nov. 4, 2022, <https://www.nytimes.com/2022/11/04/health/florida-gender-care-minors-medical-board.html>.

⁶⁵ Bill Chappell, *Texas Supreme Court Oks State Child Abuse Inquiries Into the Families of Trans Kids*, NATIONAL PUBLIC RADIO, May 13, 2022, <https://www.npr.org/2022/05/13/1098779201/texas-supreme-court-transgender-gender-affirming-child-abuse>.

⁶⁶ *United States v. Skrametti*, 605 U.S. 495 (2025).

⁶⁷ *United States v. Skrametti*, 605 U.S. 495, 517 (2025).

⁶⁸ *United States v. Skrametti*, 605 U.S. 495, 517 (2025).

⁶⁹ Talya Minsberg, *Idaho Is First State to Bar Some Transgender Athletes*, New York Times, Apr. 2, 2020, <https://www.nytimes.com/2020/04/01/sports/transgender-idaho-ban-sports.html>.

⁷⁰ Movement Advancement Project, “Equality Maps: Bans on Transgender Youth Participation in Sports,” accessed Apr. 1, 2026, https://www.lgbtmap.org/equality-maps/youth/sports_participation_bans.

⁷¹ Human Rights Campaign Foundation, *2024 State Equality Index*, by Cathryn Oakley, Courtney Avant, and Brittany Pham (Washington, D.C.: Human Rights Campaign Foundation, 2025), accessed Apr. 1, 2026, <https://reports.hrc.org/2024-state-equality-index>. Florida enacted comparable restrictions in 2023 affecting schools and certain public facilities. (*Safety in Private Places Act*, § 558.865 Florida Statutes (2023)).

⁷² Human Rights Campaign, “Map: Anti-Transgender Bathroom Bans,” accessed Apr. 1, 2026, <https://www.hrc.org/resources/state-maps/anti-transgender-bathroom-bans>.

⁷³ The Ninth Circuit Court of Appeals hears appeals from federal district courts in the states of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington.

⁷⁴ *Hecox v. Little*, 104 F.4th 1061, 1079-80 (9th Cir. 2024) (“It is well-established that sex-based classifications are subject to heightened scrutiny. *United States v. Virginia*, 518 U.S. at 533–34. The Supreme Court recently held in the Title VII context that ‘it is impossible to discriminate against a person for being ... transgender without discriminating against that individual based on sex.’ *Bostock v. Clayton County*, 590 U.S. 644, 660 (2020). Indeed, ‘[m]any courts ... have held that various forms of discrimination against transgender individuals constitute sex-based discrimination for purposes of the Equal Protection Clause because such policies punish transgender persons for gender non-conformity, thereby relying on sex stereotypes.’”).

⁷⁵ Amy Howe, *Supreme Court Appears Likely to Uphold Transgender Athlete Bans*, SCOTUSblog, Jan. 13, 2026, <https://www.scotusblog.com/2026/01/supreme-court-appears-likely-to-uphold-transgender-athlete-bans/>.

⁷⁶ One such example relates to state laws prohibiting transgender students from using the bathroom that aligns with their gender identity. The Supreme Court denied the petition for an appeal in *Grimm v. Gloucester County School Board*, *Gloucester County School Board v. Grimm*, 141 S. Ct. 2878, 2021, where the Fourth Circuit Court of appeals held in August 2020 “that when a School District decides which bathroom a student may use based upon the sex listed on the student's birth certificate, the policy necessarily rests on a sex classification.” The Eleventh Circuit, on the other hand, when faced with a similar law and similar Fourteenth Amendment equal protection challenge, held “that separating school bathrooms based on biological sex passes constitutional muster and comports with Title IX.” *Adams by & through Kasper v. School Board of St. Johns County*, 57 F.4th 791, 796 (11th Cir. 2022). The Plaintiff in *Adams* did not petition the Supreme Court for an appeal. By not reviewing either decision, the Supreme Court left the circuits, and thus the states therein, with contradicting laws.

⁷⁷ Williams Institute, *Perceptions of Transgender Adults Preparing for a Trump Presidency*, by Abbie E. Goldberg and Brad Sears (Los Angeles: Williams Institute, Mar. 2025) (discussing the impact of state laws affecting identity documentation and legal recognition for transgender persons).

⁷⁸ Human Rights Campaign Foundation, *2024 State Equality Index*, by Cathryn Oakley, Courtney Avant, and Brittany Pham (Washington, D.C.: Human Rights Campaign Foundation, 2025), accessed Apr. 1 2026, <https://reports.hrc.org/2024-state-equality-index>.

⁷⁹ Press Release, Human Rights Campaign, *Human Rights Campaign Condemns Tennessee House for Passing Discriminatory Anti-Drag Bill and Gender Affirming Care Ban; Urges Governor Lee to Veto* (Feb. 23, 2023). Also available online at <https://web.archive.org/web/20230223224734/https://www.hrc.org/press-releases/human-rights-campaign-condemns-tennessee-house-for-passing-discriminatory-anti-drag-bill-and-gender-affirming-care-ban-urges-governor-lee-to-veto>; A Tennessee court blocked the law from going into effect and declared the law unconstitutional. Rebekah Yeager-Malkin, *US Federal Judge Sides with Tennessee Pride Festival in Challenge to Drag Ban*, Jurist, Sept. 4, 2023, <https://www.jurist.org/news/2023/09/us-federal-judge-rules-in-favor-of-tennessee-pride-festival-in-challenge-to-drag-ban/>; However, on July 18, 2024, the Sixth Circuit Court of Appeals reversed the Tennessee court's decision and allowed the law to go into effect. Similar proposals were introduced in Texas and several other states, reflecting a broader legislative trend targeting drag performances and related expression. Marianna

Bacallao, *Tennessee's drag ban is back after appeals court ruling*, WPLN, July 18, 2024, <https://wpln.org/post/tennessees-drag-ban-is-back-after-appeals-court-ruling/>; Rebekah Yeager-Malkin, *US Federal Judge Sides with Tennessee Pride Festival in Challenge to Drag Ban*, Jurist, Sept. 4, 2023, <https://www.jurist.org/news/2023/09/us-federal-judge-rules-in-favor-of-tennessee-pride-festival-in-challenge-to-drag-ban/>.

⁸⁰ *HM Florida-ORL, LLC v. Governor of Florida*, 137 F.4th 1207, 1225 (11th Cir. 2025) (“Hamburger Mary’s facial challenge is likely to succeed. As we explain, the Act is substantially overbroad. Two provisions – a vague restriction on prohibitions of certain ‘depict[ions of] ... lewd conduct’ and a fine-grained yet ambiguous standard of what speech is appropriate for which children – make it so. Fla. Stat. § 827.11(1)(a). The provisions’ vagueness threatens a broad range of protected speech, even if the law has some permissible applications at its core. These provisions turn the Act into an ‘I know it when I see it’ law. But the Constitution requires more clarity.”).

⁸¹ The Court could have otherwise fully overruled the District decision and let the legislation stand. *Woodlands Pride v. Paxton*, No. 23-20480, 2026 WL 523811, *10 (5th Cir. Feb. 25, 2026) (“The Supreme Court has explained two key rules concerning this conceptual overlap. First, facial vagueness challenges are permissible when constitutionally protected activity is implicated. Second, when First Amendment rights are implicated, courts must apply a more stringent version of the substantive vagueness standard. A statute is unconstitutionally vague when it fails to provide people of ordinary intelligence a reasonable opportunity to understand what conduct it prohibits or authorizes arbitrary or discriminatory enforcement. In First Amendment contexts, we will not hold that the ordinance is unconstitutionally vague on its face if it is clear what the ordinance as a whole prohibits or if the ordinance is surely valid *i.e.* not vague in the vast majority of its intended applications. In concluding S.B. 12 is unconstitutionally vague on its face, the district court failed to clearly analyze the statute in terms of this still ‘daunting’ facial vagueness standard. We are unequipped to undertake these tasks in the first instance, and remand for the district court to do so.”) (internal citations and quotations omitted).

⁸² Williams Institute, *Perceptions of Transgender Adults Preparing for a Trump Presidency*, by Abbie E. Goldberg and Brad Sears (Los Angeles: Williams Institute, Mar. 2025), (reporting heightened concern among transgender individuals regarding discrimination, violence, and access to healthcare).