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NYT: Trump administration could rollback transgender protections and initiatives from Obama era

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The Department of Health and Human Services is considering rolling back Obama-era protections for transgender individuals. (Sara D. Davis/Getty Images)

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The Trump administration may rollback an Obama-era push to recognize and protect broader definitions of gender, according to a New York Times report

(<https://www.nytimes.com/2018/10/21/us/politics/transgender-trump-administration-sex-definition.html>).

What is the proposal?

The Department of Health and Human Services could establish a legal definition of gender under Title IX, which would be based on a person's genitalia at birth, a memo obtained by the news outlet showed. Title IX is the federal law that bars gender discrimination in education programs that receive federal funding.

According to the memo, HHS would define gender as being “a biological basis that is clear, grounded in science, objective and administrable.”

The definition could not be changed legally and any disputes would require genetic testing, according to the report.

“Sex means a person’s status as male or female based on immutable biological traits identifiable by or before birth,” the memo reportedly stated. “The sex listed on a person’s birth certificate, as originally issued, shall constitute definitive proof of a person’s sex unless rebutted by reliable genetic evidence.”

An HHS spokeswoman told (<https://www.foxnews.com/politics/trump-administration-mulls-rollback-of-obama-era-transgender-protections-report-says>) Fox News the department does not comment on alleged leaked documents.

In a 2016 ruling, Judge Reed O’Connor of the Federal District Court in Fort Worth, Texas, stated: “Congress did not understand ‘sex’ to include ‘gender identity’ ” when it passed the Affordable Care Act, also known as Obamacare. In contrast, civil rights groups have referenced other court rulings that maintain bias against transgender people is discrimination under Title IX and other laws.

What would this mean?

In essence, the proposed language change would remove certain protections for about 1.4 million Americans who identify as transgender, Fox News reported. It would also do away with a series of contentions by the Obama administration that people can be any gender they choose.

“This takes a position that what the medical community understands about their patients — what people understand about themselves — is irrelevant because the government disagrees,” Catherine Lhamon, who headed the Education Department’s Office for Civil Rights during the Obama administration, told the New York Times.

Conservatives, especially evangelical Christians, rose up against various Obama-era initiatives, including a national campaign to allow people to choose public restrooms or dormitory housing, for example, based on their stated gender.

In the past, Roger Severino, head of the Office of Civil Rights accused the Obama administration of a “radical gender ideology.”