



## Summary of President Trump Executive Orders Impacting LGBTQ+ People

Immediately after taking office on January 20, 2025, President Trump issued two Executive Orders that will impact LGBTQ+ people — including LGBTQ+ Pennsylvanians. The Pennsylvania Youth Congress provides this summary of the orders and their potential effects on LGBTQ+ people in PA. This document does not serve as legal advice and is for general information only. Please seek professional legal services for counsel.

### Executive Order **“Initial Rescissions of Harmful Executive Orders and Actions”** January 20, 2025

The following Executive Orders from President Biden are **rescinded**:

**RESCINDED:** [Executive Order 13988 of January 20, 2021](#) — Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation

- Interpreting Title VII of the Civil Rights Act of 1964 and other federal laws that include nondiscrimination protections on the basis of sex to be inclusive of sexual orientation and gender identity — in accordance with the *Bostock* ruling by the US Supreme Court.

**Pennsylvania Impact:** [Regulation #52-13](#), codified at [16 Pa. Code 41.201-41.207](#), remains in effect since published as final in June 2023. This regulation promulgated by the Pennsylvania Human Relations Commission (PHRC) follows the legal framework of *Bostock* and other cases to interpret sexual orientation and gender identity as protected classes within the definition of sex in the Pennsylvania Human Relations Act of 1955 (PHRA) and Pennsylvania Fair Educational Opportunities Act (PFEOA). LGBTQ+ nondiscrimination protections remain in place for housing, employment, public accommodations, and education, in Pennsylvania through regulation.

**RESCINDED:** [Executive Order 14004 of January 25, 2021](#) — Enabling All Qualified Americans To Serve Their Country in Uniform

- Provides that transgender individuals are affirmatively permitted to serve in the military. Rescission of this policy does not require the expulsion of transgender individuals currently serving, but that Executive Order is likely forthcoming.



**Pennsylvania Impact:** Transgender individuals serving in the federal military no longer have affirmative nondiscrimination protections. They will likely be discharged from the military, regardless of service, skill, or tenure, by a future order.

**RESCINDED:** [Executive Order 14021 of March 8, 2021](#) — Guaranteeing an Educational Environment Free From Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity

- Schools receiving federal funding must be nondiscriminatory on the basis of gender identity and sexual orientation, in part through Title IX of the Education Amendments of 1972.

**Pennsylvania Impact:** LGBTQ-inclusive nondiscrimination protections remain in place for education through Regulation #52-13, codified at 16 Pa. Code Chapter 41.201-41.207, at the state level. The PHRA and PFEOA include public schools and certain private schools, but not those that are distinctly private as evaluated by the Pennsylvania Human Relations Commission.

**RESCINDED:** [Executive Order 14075 of June 15, 2022](#) — Advancing Equality for Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Individuals

- Addresses anti-LGBTQ+ legislative attacks, directs federal agencies to protect LGBTQ+ people and their families, conversion therapy prevention, safeguarding healthcare and youth suicide prevention programs, supporting LGBTQ+ young people in foster care, homelessness prevention, and improving access to federal programs, among other steps to support LGBTQ+ equality.

**Pennsylvania Impact:** This Executive Order included a variety of protections for LGBTQ+ people and their families. Many of these programs implemented by Pennsylvania's state government can and will endure in PA as LGBTQ-inclusive, regardless if the federal government no longer affirmatively supports LGBTQ equality, equity, or inclusion. Through Executive Orders and actions in Pennsylvania, the Governor's administration denounces and discourages conversion therapy. The rescission of this Executive Order does not prohibit the Pennsylvania Governor from directing his administration to continue the work to adopt policies and practices that safeguard LGBTQ youth in child welfare and juvenile justice systems, investigating and pursuing strategies to prevent and end LGBTQ+ homelessness, investigating and pursuing strategies to protect LGBTQ+ elders, and more.



**Executive Order**  
**“Defending Women from Gender Ideology Extremism and Restoring  
Biological Truth to the Federal Government”**

January 20, 2025

This Executive Order is targeted to harming and erasing trans people, particularly trans women and girls.

As a **policy statement**, the President blames ‘ideologues’ across the nation for social and legal progress on transgender inclusion, explicitly and particularly for trans women. The President claims that acceptance of trans women hurts cis women and the ‘validity of the entire American system.’ He asserts that federal policy must be now based in “scientific inquiry, public safety, morale, and trust in government...” The President conflates ‘sex’ and ‘gender identity’ — and claims only ‘sex’ is true, and that there is a push gender identity to replace ‘sex’ which is ‘unmoored from biological fact.’ He states that in the name of protecting women and ‘freedom of conscience,’ the new Presidential administration will only recognize two categories of people: women and men, based on ‘biology’.

For **definitions**, the Executive Order dictates the federal government will only recognize two sexes, male and female — which he claims are permanent and cannot be changed. He directs all federal laws and regulations to be executed under the President to adhere to that charge. The President asserts a person’s sex is now defined as whether at conception they belong to a sex that produces a “large reproductive cell” (female) or the “small reproductive cell” (male). The Executive Order provides crude definitions of what is referred to as “gender ideology” and “gender identity” [any term in which trans people exist] as useless, untrue, and being impermissibly forced upon institutions and society.

The Executive Order continues with **directives to enforce federal recognition only of two sexes** which are tied to being of a sex, upon conception, that produces either a ‘large’ or ‘small’ reproductive cell, as follows:

- a) By February 19, 2025, the Secretary of Health and Human Services shall provide the federal government, ‘external partners,’ and the public clear guidance expanding on the sex-based definitions set forth in this order.
- b) Each federal agency and all federal employees shall enforce laws governing sex-based rights, protections, opportunities, and accommodations recognizing only ‘male’ and ‘female’ as defined in this Executive Order, and in all other official agency business, documents, and communications.



- c) When administering or enforcing sex-based distinctions, every agency and all federal employees acting in an official capacity must use the term “sex” and not “gender” in all applicable federal policies and documents.
- d) The Secretaries of State and Homeland Security will implement changes to require that government-issued identification documents (passports, visas, Global Entry cards, etc.) has sex markers that reflect a person’s “sex” as defined in this Executive Order. It does not say how the federal government assesses that (if they rely on a state-issued birth certificate, social security information, etc.) nor what will happen to anyone who is trans who has previously changed these documents.

The Director of the Office of Personnel Management will ensure that the personnel records for federal employees reflect a person’s “sex” as defined in this Executive Order.

**Pennsylvania Impact:** Guidance from national LGBTQ organizations should be followed. At this time, **this Executive Order establishes an intention to have only a Male or Female option on federal government-issued identification documents, like passports** — and have that marker be related to a classification of sex that is not administrable or precisely defined. This will be litigated if imposed. Pennsylvanians already have the ability to designate their sex markers (M, F, X) on Driver’s licenses or state IDs, and they may also update the sex marker on their Pennsylvania Birth Certificate (M or F). It should be noted that every state has separate rules and processes for updating birth certificates — so Pennsylvanians born out of state should consult their birth state’s protocols. It is possible that they will not match a federal document going forward. Regarding passports, many Pennsylvanians have X markers, or sex markers that match their gender but may not be a sex marker designated at birth on a state-issued birth certificate. **The Executive Order does not decree that trans people who have gender markers on their passports that match their gender, or those with X markers, will be automatically denied entry to the United States in the coming days.** An individual’s Pennsylvania Driver’s license may have an X marker and their US-issued passport an F marker, but that would not stop that person from independently driving in PA nor boarding a flight overseas. Further guidance will likely be promoted by national LGBTQ organizations in the weeks ahead as this fluid situation develops. The Executive Order stipulates that the Secretaries of State and Homeland Security “shall implement changes,” likely implying that they will institute policy changes for passports going forward and may consider ways to assess the sex of all those who have been issued a passport. **However, current issued passports *should* remain valid until there is notice by the government that they may no longer be.**



**Transgender Pennsylvanians and those with X markers *may* be advised by some with caution at traveling abroad — but there is not enough information to state with certainty how border agents are to be instructed in the days and weeks ahead until a formal new policy is announced.**

- e) Federal agencies shall remove and cease issuing all statements, policies, regulations, forms, communications, or other internal and external messages that promote or otherwise support trans inclusion. Federal agency forms that require requesting an individual's sex shall only provide male or female — and cannot ask for gender identity. Federal agencies shall take all necessary steps, as permitted by law, to end the federal funding of the promotion of trans inclusion.
- f) Recognizes that the previous Presidential administration enforced a trans-inclusive Title VII following the Supreme Court's decision in *Bostock*. Directs the Attorney General to immediately issue guidance to federal agencies to not interpret the *Bostock* ruling as providing for trans inclusion when it comes to sex-based distinctions in agency activities. Additionally directs the Attorney General to issue guidance and assist agencies in protecting trans exclusion in sex-based distinctions.
- g) Prohibits federal funding to be used in the promotion of trans inclusion. Directs each agency to assess grant conditions and grantee preferences to ensure grant funds do not promote trans inclusion.

**Pennsylvania Impact:** This is a blanket clause that would imply all future federal funding has an attached rider that bans trans nondiscrimination protections or inclusion. This was done by Executive Order without naming the explicit authority Congress or the Constitution has granted the President to do so — only generally the Constitution. The Executive Order did not state if the President intends to withhold the disbursement of federal transportation dollars to states like Pennsylvania which have (by regulation) gender identity nondiscrimination protections. Would individual school districts be audited and barred from federal funding in our commonwealth if they have in their approved curriculum teaching about gender diversity? Until a federal agency or the President proposes explicit policies regarding funding related to grantees that have gender identity nondiscrimination protections or provide for trans inclusion, there is no current stated change in policy in Pennsylvania.

The Executive Order then details **sex segregation in federal operations and facilities**.

- a) The Attorney General and Secretary of Homeland Security shall ensure that **trans women are not housed in female-designated federal prisons or detention centers**.



**Pennsylvania Impact:** This change will be absolute for trans women incarcerated at federal facilities in Pennsylvania. It will be cruel and subject these individuals to grave harm — significant likelihood of violence and sexual assault, humiliation, and isolation. The Executive Order was silent on upholding other federal policies like the Prison Rape Elimination Act. Pennsylvania state prisons and county jails comply with federal law, and can still adhere to their own policy as/if set for trans individuals to be incarcerated at the most appropriate facility.

- b) The Secretary of Housing and Urban Development is directed to execute the process to **rescind federal trans inclusive housing protections**, which was provided by “Equal Access in Accordance with an Individual’s Gender Identity in Community Planning and Development Programs” of September 21, 2016, 81 FR 64763, and shall begin the process to issue a new rule protecting cis women seeking single-sex rape shelters (though does not define protecting them from what). This rule to be rescinded provided equal access for individuals in accordance with their gender identity in programs and shelter funded under programs administered by HUD's Office of Community Planning and Development — detailing equal protection for people based on their gender identity when staying in temporary, emergency shelters, and other buildings and facilities used for shelter administered through this HUD program.

**Pennsylvania Impact:** LGBTQ-inclusive nondiscrimination protections remain in place for housing through Regulation #52-13, codified at 16 Pa. Code Chapter 41.201-41.207, at the state level. The PHRA covers many types of housing and public accommodations, which generally includes human service programs open to the public.

- c) Directs the Attorney General to ensure the Bureau of Prisons revises its policies concerning medical care to be consistent with this Executive Order — and that **no federal funding is spent on trans inclusive healthcare, including medical procedures, treatments, or medication.**

**Pennsylvania Impact:** This change will be absolute for trans women incarcerated at federal facilities in Pennsylvania. It will be cruel and subject these individuals to grave harm — significant likelihood of violence and sexual assault, humiliation, and isolation, as many will be made to experience a forced detransition. Pennsylvania state prisons and county jails comply with federal law, and can still adhere to their own policy as/if set for trans individuals.

- d) Directs federal agencies to take action to **ensure ‘intimate spaces’ designated by sex are not trans inclusive. This would include all federal buildings, facilities, and parks.**



**Pennsylvania Impact:** This change will be absolute for federal buildings, facilities, and parks. There was no specific enforcement mechanism stated at this time.

The Executive Order further **directs the Attorney General to issue guidance that ensures individuals can promote the idea of only two sexes and that individuals have a right to trans-exclusive spaces — in both workplaces and federally-funded entities** covered by the Civil Rights Act of 1964. Various federal agencies are directed to prioritize investigations and litigation to promote those two assertions.

**Pennsylvania Impact:** Regulation #52-13, codified at 16 Pa. Code Chapter 41.201-41.207, remains in effect since published as final in June 2023 — which covers employment. Harassment can be an adverse working condition that the PHRC may accept complaints regarding.

The Executive Order states that **by February 19, 2025, the President will be presented with text to legally codify the definitions in this Executive Order.**

**Pennsylvania Impact:** This charge for the President to receive language to propose codifying the definitions of this Executive Order did not state if it would be by administrative regulation or legislation before Congress. There may be opportunities for Pennsylvanians to contact their elected officials to oppose any codification of these definitions.

The Executive Order states that **by May 20, 2025, each federal agency head shall submit an update on implementation of this Executive Order to the President**, which addresses: changes to agency documents, including regulations, guidance, forms, and communications — and agency-imposed requirements on federally funded entities, including contractors, to achieve the policy of this order.

The Executive Order continues that the requirements of this order supersede conflicting provisions in any previous Executive Orders or Presidential Memoranda. Additionally, the White House Gender Policy Council established by Executive Order 14020 is dissolved.

**Each federal agency head shall promptly rescind all guidance documents inconsistent with the requirements of this Executive Order or the Attorney General’s guidance issued as directed by this Executive Order, or rescind the parts of such documents that are inconsistent.**





**The following documents are now rescinded:**

**RESCINDED:** [“The White House Toolkit on Transgender Equality”](#) (2021)

**From the US Department of Education:**

**RESCINDED:** [“2024 Title IX Regulations: Pointers for Implementation”](#) (July 2024)

**RESCINDED:** [“U.S. Department of Education Toolkit: Creating Inclusive and Nondiscriminatory School Environments for LGBTQI+ Students”](#) (June 21, 2023)

**RESCINDED:** [“U.S. Department of Education Supporting LGBTQI+ Youth and Families in School”](#) (June 21, 2023)

**RESCINDED:** [“Departamento de Educación de EE.UU. Apoyar a los jóvenes y familias LGBTQI+ en la escuela”](#) (June 21, 2023)

**RESCINDED:** [“Supporting Intersex Students: A Resource for Students, Families, and Educators”](#) (October 2021)

**RESCINDED:** [“Supporting Transgender Youth in School”](#) (June 2021)

**RESCINDED:** [“Letter to Educators on Title IX’s 49th Anniversary”](#) (June 23, 2021)

**RESCINDED:** [“Confronting Anti-LGBTQI+ Harassment in Schools: A Resource for Students and Families”](#) (June 2021)

**RESCINDED:** [“Enforcement of Title IX of the Education Amendments of 1972 With Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of Bostock v. Clayton County”](#) (June 22, 2021)

**RESCINDED:** [“Education in a Pandemic: The Disparate Impacts of COVID-19 on America’s Students”](#) (June 9, 2021)

**RESCINDED:** [“Back-to-School Message for Transgender Students from the U.S. Depts of Justice, Education, and HHS”](#) (Aug. 17, 2021)





**From the Attorney General:**

**RESCINDED:** [“Application of Bostock v. Clayton County to Title IX of the Education Amendments of 1972”](#) (March 26, 2021)

**Pennsylvania Impact:** Related to the rescission of documents supporting LGBTQ students, again, LGBTQ-inclusive nondiscrimination protections remain in place for education through Regulation #52-13, codified at 16 Pa. Code Chapter 41.201-41.207, at the state level. The PHRA and PFOEA include public schools and certain private schools, but not those that are distinctly private as evaluated by the Pennsylvania Human Relations Commission. The State Board of Education additionally adopted sexual orientation protections codified at 22 Pa. Code § 12.4. Individual school district boards, and the leadership of private and charter schools, may adopt policies and practices that are LGBTQ inclusive, regardless of the federal government no longer affirmatively supporting such policies or practices.

**From the Equal Employment Opportunity Commission:**

**RESCINDED:** [“Enforcement Guidance on Harassment in the Workplace”](#) (April 29, 2024)

**Pennsylvania Impact:** LGBTQ-inclusive nondiscrimination protections remain in place for employment through Regulation #52-13, codified at 16 Pa. Code Chapter 41.201-41.207, at the state level. The PHRA covers many types of employers, and more employers than the EEOC covers under federal law.