

# Congress of the United States

Washington, DC 20515

March 3, 2026

Mr. Scott Kupor  
Director  
U.S. Office of Personnel Management (OPM)  
1900 E St NW,  
Washington, DC 20415

Dear Director Kupor:

We write to express our strong opposition to the Office of Personnel Management’s (OPM) decision to eliminate coverage for medically necessary medical care for transgender people under the Federal Employee Health Benefits (FEHB) and Postal Service Health Benefits (PSHB) Programs beginning in plan year 2026,<sup>1</sup> and to request detailed information regarding the process and impacts of this decision.

The FEHB and PSHB Programs provide health insurance to millions of federal employees, retirees, and dependents. Changes to covered benefits — particularly those affecting access to medically necessary care — must be implemented transparently, lawfully, and with adequate notice to ensure informed enrollment decisions and continuity of care.

As a threshold matter, the decision to categorically exclude coverage for medically necessary care for transgender people violates Title VII of the Civil Rights Act. Title VII prohibits employers, including the federal government, from discriminating in employment—including in “compensation, terms, conditions, or privileges of employment”—on the basis of sex, among other protected characteristics.<sup>2</sup> The Supreme Court has held that “health insurance... benefits are ‘compensation, terms, conditions, or privileges of employment,’” under Title VII and in *Bostock v. Clayton County*,<sup>3</sup> the Supreme Court made clear that Title VII’s prohibition on sex discrimination includes discrimination based on transgender status.<sup>4</sup> By categorically eliminating coverage for certain medical care, such as puberty-delaying medication and hormone therapy, for transgender people but allowing them for non-transgender people, this categorical exclusion violates Title VII’s prohibition on sex discrimination in employer-provided healthcare plans.

Not only was this act unlawful, it was implemented without sufficient transparency to ensure that federal employees could make informed decisions during open enrollment. OPM made the announcement in August 2025, and the change took effect for the 2026 plan year, covering selections made during the 2026 Open Season

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<sup>1</sup> U.S. Office of Personnel Management. 2025. *FEHB Program Carrier Letter 2025-01b: Chemical and Surgical Sex-Trait Modification Services for Plan Year 2026 Proposals*. August 15, 2025. PDF. U.S. Office of Personnel Management. <https://www.opm.gov/healthcare-insurance/carriers/fehb/2025/2025-01b.pdf>

<sup>2</sup> 42 U.S. Code § 2000e-2

<sup>3</sup> *Newport News Shipbuilding and Dry Dock Co. v. EEOC*, 462 U.S. 669, 682 (1983)

<sup>4</sup> *Bostock v. Clayton County*, 590 U.S. 644 (2020).

from November 10 to December 8, 2025.<sup>5</sup> During the 2026 open enrollment period, many employees may not have fully understood how the change would affect their prescribed or ongoing care until after enrollment closed. This is unfair and unacceptable.

We are also deeply concerned that this unlawful action deprived federal employees of informed choice and disrupted medically necessary treatment. Gender affirming care is evidence-based and recognized as medically necessary by every major U.S. medical association.<sup>6</sup> The sudden exclusion of such care has likely resulted in interrupted treatment, forced discontinuation of prescribed medications, increased mental health crises, and significant financial hardship for affected individuals and families.<sup>7</sup> This disruption is particularly acute for individuals who cannot safely suspend or abruptly alter treatment without medical risk. These outcomes undermine workforce stability and contradict the federal government's interest in recruiting and retaining a diverse and effective workforce. This decision has far-reaching implications for not just the Executive Branch's ability to retain and recruit a diverse and effective workforce but also the Legislative Branch, as a significant number of Legislative Branch employees receive their healthcare benefits via FEHB.

Given Congress's oversight responsibilities and the importance of FEHB and PSHB to millions of federal workers and their families, we request that OPM provide written responses to the following questions no later than 14 days after receipt of this letter:

1. Before issuing carrier letters 2025-01a and 2025-01b, did OPM conduct or rely on any legal analyses regarding its authority to categorically exclude coverage for gender-affirming care and its obligations under federal civil rights laws, including Title VII of the Civil Rights Act? Please provide all relevant legal analyses conducted or relied on by OPM.
2. How was the decision to eliminate this coverage developed and implemented within OPM, including the timing of the decision, the offices or officials involved, and any alternative approaches that were considered? Please provide all relevant documents and communications related to this decision making, including all documents and communications relating to the decision to expand the categorical exclusion in carrier letter 2025-01a to include adults (as memorialized in carrier letter 2025-01b);
3. What steps did OPM take to notify FEHB and PSHB enrollees of this coverage change prior to and during the 2026 open enrollment period, and how did OPM determine that this notice was adequate?;
4. Did OPM make any attempts to calculate how many FEHB and PSHB enrollees would be affected by the elimination of this coverage? If yes, please provide all relevant documents and the results.;

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<sup>5</sup> U.S. Office of Personnel Management, *OPM Announces 2025 Open Season*, October 9, 2025, <https://www.opm.gov/news/news-releases/opm-announces-2025-open-season/>

<sup>6</sup> E.g., *AMA reinforces opposition to restrictions on transgender medical care*, American Medical Association (June 15, 2021), <https://www.ama-assn.org/press-center/ama-press-releases/ama-reinforces-opposition-restrictions-transgender-medical-care>; Jason Rafferty, et al., *Ensuring Comprehensive Care and Support for Transgender and Gender-Diverse Children and Adolescents*, American Academy of Pediatrics (Oct 1, 2018), <https://publications.aap.org/pediatrics/article/142/4/e20182162/37381/Ensuring-Comprehensive-Care-and-Support-for-Guidelines-for-Psychological-Practice-With-Transgender-and-Gender-Nonconforming-People>, American Psychological Association (Dec. 2015), <https://www.apa.org/practice/guidelines/transgender.pdf>; *Position Statement on Gender-Affirming Care for Transgender Youth*, American Psychiatric Association (Dec. 2025), <https://www.psychiatry.org/getattachment/8665a2f2-0b73-4477-8f60-79015ba9f815/Position-Treatment-of-Transgender-Gender-Diverse-Youth.pdf>; *AACAP Statement Responding to Efforts to ban Evidence-Based Care for Transgender and Gender Diverse Youth*, American Academy of Child and Adolescent Psychiatry (Nov. 8, 2019), [https://www.aacap.org/AACAP/Latest\\_News/AACAP\\_Statement\\_Responding\\_to\\_Efforts\\_to\\_ban\\_Evidence-Based\\_Care\\_for\\_Transgender\\_and\\_Gender\\_Diverse.aspx](https://www.aacap.org/AACAP/Latest_News/AACAP_Statement_Responding_to_Efforts_to_ban_Evidence-Based_Care_for_Transgender_and_Gender_Diverse.aspx); *Transgender Health*, Endocrine Society (Dec. 16, 2020), <https://www.endocrine.org/advocacy/position-statements/transgender-health>.

<sup>7</sup> See Stringer, Kate. "Gender-Affirming Care Bans Disrupt Mental Health of Trans Youth and Their Caregivers." *Gender-Affirming Care Bans Disrupt Mental Health of Trans Youth and Their Caregivers*, UW School of Public Health, 12 Sept. 2024, [sph.washington.edu/news-events/sph-blog/gender-affirming-care-bans-disrupt-mental-health-trans-youth](https://sph.washington.edu/news-events/sph-blog/gender-affirming-care-bans-disrupt-mental-health-trans-youth).

5. Did OPM conduct any assessments of the medical, workforce, or civil rights impacts of this policy prior to implementation, and if so, what were the findings?;
6. How does OPM reconcile the exclusion of gender-affirming care with federal nondiscrimination obligations, particularly given that FEHB and PSHB plans continue to cover comparable hormone therapies for other medical diagnoses?; and
7. How is OPM ensuring that covered plans include the exception process described in Carrier Letter Number 2025-01b?

For many years, FEHB and PSHB carriers have provided coverage for gender-affirming care with OPM's approval, reflecting a longstanding recognition of its medical necessity and legitimacy within the FEHB and PSHB Programs. Congress has a responsibility to ensure that federal employee benefits are administered lawfully, transparently, and without discrimination.

We appreciate your prompt attention to this matter and look forward to your response.

Sincerely,

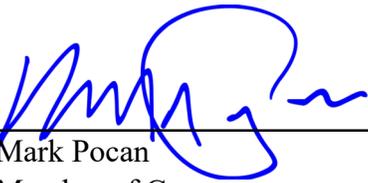
  
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Emily Randall  
Member of Congress

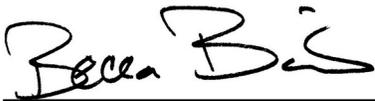
  
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Mark Takano  
Member of Congress

  
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Robert Garcia  
Member of Congress

  
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Sarah McBride  
Member of Congress

  
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Raja Krishnamoorthi  
Member of Congress

  
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Mark Pocan  
Member of Congress

  
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Becca Balint  
Member of Congress



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Angie Craig  
Member of Congress



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Sara Jacobs  
Member of Congress



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Delia C. Ramirez  
Member of Congress



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Paul Tonko  
Member of Congress



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Dan Goldman  
Member of Congress



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Deborah K. Ross  
Member of Congress



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Stephen F. Lynch  
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Pramila Jayapal  
Member of Congress



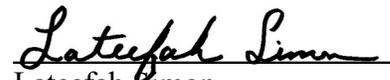
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Eric Sorensen  
Member of Congress



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Eleanor Holmes Norton  
Member of Congress



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Lateefah Simon  
Member of Congress



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Rashida Tlaib  
Member of Congress



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Jerrold Nadler  
Member of Congress



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Shri Thanedar  
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Andrea Salinas  
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Suzan K. DelBene  
Member of Congress



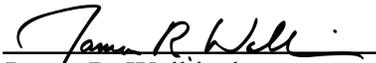
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Dave Min  
Member of Congress



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Summer L. Lee  
Member of Congress



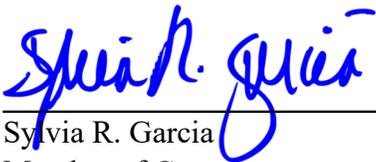
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James R. Walkinshaw  
Member of Congress



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Laura Friedman  
Member of Congress



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Sylvia R. Garcia  
Member of Congress



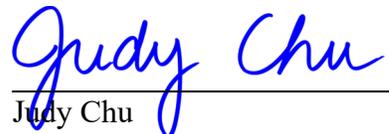
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Frederica S. Wilson  
Member of Congress



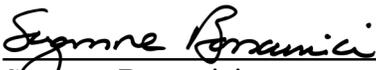
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Steve Cohen  
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Judy Chu  
Member of Congress



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Suzanne Bonamici  
Member of Congress



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Jan Schakowsky  
Member of Congress



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LaMonica McIver  
Member of Congress



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Kevin Mullin  
Member of Congress



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Sam T. Liccardo  
Member of Congress



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Betty McCollum  
Member of Congress



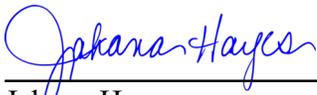
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James P. McGovern  
Member of Congress



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Ayanna Pressley  
Member of Congress



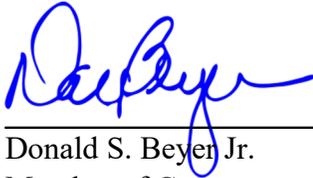
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Member of Congress



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Gilbert Ray Cisneros, Jr.  
Member of Congress



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Donald S. Beyer Jr.  
Member of Congress



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Mark DeSaulnier  
Member of Congress



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Luz M. Rivas  
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