



KNOW YOUR RIGHTS: RESTROOMS AT THE CAPITOL AND IN FEDERAL AGENCIES

Since January 2025 we have seen an increase of attacks by federal politicians targeting transgender, intersex, and nonbinary people in all aspects of life, attempting to block restroom usage, ID document access, being referred to by the right pronouns, and so much more. The same politicians and activists pushing these hateful policies are banning books, blocking access to abortion, and targeting anyone and anything that does not follow their archaic rigid ideology.

Two of these new policies target the freedom of transgender, intersex, and nonbinary people to freely use restroom facilities on the capitol and in federal agency buildings. These restrictions are contrary to our fundamental democratic values, infringing on our right to meet with our elected representatives and make our voices heard.

Below we provide further information and considerations regarding these restrictions. The following is not legal advice – if you need legal advice on your individual situation please contact an attorney.

What restrictions are in place regarding restroom use on capitol grounds?

In January 2025 Speaker of the House Mike Johnson implemented a new rule that restricts restroom and changing room use in buildings controlled by the House of Representatives to “individuals of that biological sex.”[1] This rule only affects parts of the Capitol assigned to the use of the House, such as Cannon House Office Building, Longworth House Office Building, and O’Neill House Office Building.[2] The rule is supposed to be enforced by the Sergeant-at-Arms, the officer responsible for maintaining order on the House side of the Capitol complex; however, it is unclear how they would go about enforcing this rule. The announcement notes that each Member office has its own private restroom, and that unisex restrooms are available to the public. There is one unisex restroom in each House office building, indicated on this [visitor resource map](#).

What restrictions are in place regarding restroom use at federal agencies?

On his first day in office, President Trump signed an executive order requiring federal agencies to discriminate by writing a definition of sex that denies the existence of transgender, intersex, and nonbinary people. While Trump cannot change state or federal law, the order has changed how federal agencies enforce some laws and policies related to sex-based issues. As part of the implementation of that order, the Office of Personnel Management (OPM) issued guidance to all agencies requiring them to ensure that spaces designated by sex, such as restrooms, are “designated by biological sex and not gender identity.”[3] Although this restriction would apply to federal buildings in DC that are managed by the General Services Administration (GSA), GSA has not yet issued any guidance or regulations implementing the executive order or OPM memo that would affect members of the public.

[1] Congressional Record, Proceedings and Debates of the 119th Congress, First Session, Fri Jan 3, 2025, p. 26. <https://www.congress.gov/119/crec/2025/01/03/171/1/CREC-2025-01-03-v171.pdf>.

[2] Rules of the House of Representatives, 119th Congress, January 16, 2025. <https://rules.house.gov/sites/evo-subsites/rules.house.gov/files/documents/houserules119thupdated.pdf>.

[3] Memorandum: Initial Guidance Regarding President Trump’s Executive Order Defending Women, January 29, 2025. <https://www.opm.gov/media/yvhlr3i/opm-memo-initial-guidance-regarding-trump-executive-order-defending-women-1-29-2025-final.pdf>.

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What restrictions are in place regarding restroom use at federal agencies? (cont.)

We continue to monitor for further information about how federal agencies are implementing these restrictions, particularly in buildings with frequent public visitors, such as federal courthouses, social security offices, VA facilities, or some post offices. And, of course, in practice, it is unclear how these restrictions would be enforced.

How can I protect myself when using a restroom in House buildings or federal buildings?

Ultimately, using a restroom in a public place, particularly as a trans person, requires decisions that are influenced by an array of circumstances that vary from person to person, location to location, and day to day. Here are some tips to help inform those decisions and keep you safe.

1. Use the restroom with purpose: go to the toilet or sink you need, use it as needed, wash and dry your hands, and leave.
2. If someone confronts you, claiming that you are in the wrong bathroom, relay that you will be done momentarily or that you will leave as soon as you finish, and avoid further confrontation.
3. If someone threatens violence against you, leave as immediately as you can.
4. If asked to leave by an officer or other official, leave as immediately as you can.

What should I do if I am told to leave a restroom by an official?

1. Do not answer any questions.
2. Calmly ask for the name and information of the person telling you to leave, including who they work for. If it is a police officer, make sure you find out which branch of police they belong to, such as the Metropolitan Police Department, US Capitol Police, US Park Police, Metro Transit Police, or Secret Service.
3. When you are somewhere safe, write down what happened and the names or roles of any people who asked you to leave or threatened you.
4. Contact the ACLU of D.C. at info@acludc.org.

