

1 Brianne K. Nadeau

2 Councilmember Brianne K. Nadeau

3 Jack Evans

4 Councilmember Jack Evans

5 Mary M. Cheh

6 Councilmember Mary M. Cheh

7 Anita Bonds

8 Councilmember Anita Bonds

9 Kenyan McDuffie

10 Councilmember Kenyan McDuffie

11 David Grosso

12 Councilmember David Grosso

13 Robert C. White, Jr.

14 Councilmember Robert C. White, Jr.

15 Charles Allen

16 Councilmember Charles Allen

17 Vincent C. Gray

18 Councilmember Vincent C. Gray

19 Elissa Silverman

20 Councilmember Elissa Silverman

21 A PROPOSED RESOLUTION

22
23 _____
24 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
25 _____

26 To declare the sense of the Council that the District of Columbia in support of the human rights
27 and inherent dignity of transgender, non-binary, and gender non-conforming individuals
28 and in opposition to proposed changes to federal interpretations of gender.

29 RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
30 resolution may be cited as the "Sense of the Council in Support of Transgender, Intersex, and
31 Gender Non-Conforming Communities Resolution of 2018."

32 Sec. 2. The Council finds that:

33
34 (1) On October 21, 2018, the New York Times reported that the U.S. Department
35 of Health and Human Services is leading an effort at the federal level to publish new regulations
36 that would define sex as either male or female, unchangeable, and determined by the genitals that
37 a person is born with, in an effort to exclude transgender, intersex, and gender non-conforming
38 people from civil rights protections under federal law. According to the reporting, the Trump

39 administration is pushing for the Departments of Justice, Education, and Labor to adopt this
40 definition in their regulations as well, to further the exclusion of these individuals from civil
41 rights protections.

42 (2) The District of Columbia has long sought to ensure the equal protection of
43 human and civil rights of all residents, workers, and visitors in our city, including those who are
44 transgender, intersex, and gender non-conforming through:

45 (A) Inclusion of gender identity and expression as explicitly protected
46 traits under the D.C. Human Rights Act of 1977 via amendment in 2007, after decades of
47 inferred protection;

48 (B) Simplifying the processes for changing a person's name or gender
49 marker on D.C. government documents including birth certificate, driver's license, and non-
50 driver's identity card, and creating a gender-neutral option on a driver's license or non-driver's
51 identity card;

52 (C) Implementing and enforcing the D.C. Human Rights Act, including
53 by:

54 (i) Adopting policies to ensure appropriate and equitable treatment
55 for transgender, intersex, and gender non-conforming youth in schools, foster care, and the
56 juvenile justice system, as well as prohibiting conversion therapy, and mandating comprehensive
57 and inclusive sexual education curricula;

58 (ii) Prohibiting insurance companies from discriminating against
59 transgender individuals by denying coverage for necessary medical care related to gender
60 transition;

61 (iii) Adopting policies to ensure that individuals are treated
62 consistent with their gender identity in all governmental service settings, including homeless
63 shelters and jail; and

64 (iv) Mandating gender-neutral single occupancy restrooms, and
65 equal access to gender-segregated locations based on gender identity; and

66 (C) Mandating the collection of sexual orientation and gender identity data
67 to better understand the implications of social bias and structural discrimination against these
68 communities in order to address and prevent it.

69 (3) Transgender, intersex, and gender non-conforming people exist and deserve
70 the full and equal protection under the laws of District of Columbia and the United States, the
71 U.S. Constitution, and international law including the Universal Declaration of Human Rights.

72 (4) Stigma and discrimination based on gender identity or expression are well
73 documented, including in a national survey of nearly 28,000 transgender individuals that found
74 that 30 percent had experienced homelessness, nearly one in seven had lost a job because of
75 being transgender, and one third of those who saw a doctor in the previous year faced
76 discrimination;

77 (5) There is no evidence that ensuring civil rights protections for these
78 communities causes harm to anyone else, and in fact leading national experts and associations in
79 the fields of education, health care, child health and welfare, and support for survivors of
80 domestic and sexual violence roundly reject any such claims and support nondiscrimination
81 protections for transgender people.

82 (6) All residents, workers, and visitors in the District of Columbia should be able
83 to go about their daily lives without fear of harassment, discrimination, or violence due to their
84 gender identity or expression.

85 Sec. 3. It is the sense of the Council that:

86 (1) We express the District of Columbia's commitment to protecting the human
87 and civil rights of all people who are transgender, intersex, or gender non-conforming.

88 (2) We stand with our community members who are transgender, intersex, or
89 gender non-conforming against efforts to deny their existence or humanity.

90 (3) We reject any attempt to redefine sex or otherwise reinterpret or decline to
91 enforce laws to the detriment of transgender, intersex, or gender non-conforming individuals.

92 (4) We reject any argument that transgender individuals must be excluded from
93 sex-segregated spaces that are consistent with their gender identity due to safety concerns; to the
94 contrary, transgender individuals are often targeted for violence and in the decade that the
95 District of Columbia has guaranteed transgender individuals rights to use the appropriate sex-
96 segregated spaces including bathrooms and locker rooms, there has been no evidence of any
97 increase in incidents of concern to public safety.

98 (4) We are opposed to the proposal to exclude transgender, intersex, or gender
99 non-conforming people from federal civil rights protections by redefining sex on the grounds
100 that such an action would run counter to fundamental human and civil rights, law, and medical
101 science, while directly harming our constituents through government-sanctioned discrimination.

102 (5) We call upon the Department of Health and Human Services, Department of
103 Justice, Department of Labor, and Department of Education to seek to support and defend the

104 rights and dignity of transgender, intersex, and gender non-conforming individuals rather than
105 stigmatize and discriminate against them.

106 Sec. 4. The Secretary to the Council shall transmit copies of this resolution, upon its
107 adoption, the President and Vice President of the United States, the Secretary of Health and
108 Human Services, the Secretary of Labor, the Secretary of Education, and the Attorney General.
109 The Secretary to the Council shall submit a copy of this resolution as public comment on any
110 rule or regulation change proposed by any of the aforementioned Secretaries or Attorney General
111 regarding federal civil rights law interpretation of the definitions of the terms sex or gender.

112 Sec. 5. This resolution shall take effect immediately.