A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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

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

Sec. 2. The Council finds that:

(1) On October 21, 2018, the New York Times reported that the U.S. Department of Health and Human Services is leading an effort at the federal level to publish new regulations that would define sex as either male or female, unchangeable, and determined by the genitals that a person is born with, in an effort to exclude transgender, intersex, and gender non-conforming people from civil rights protections under federal law. According to the reporting, the Trump
administration is pushing for the Departments of Justice, Education, and Labor to adopt this
definition in their regulations as well, to further the exclusion of these individuals from civil
rights protections.

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

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

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

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

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

(ii) Prohibiting insurance companies from discriminating against
transgender individuals by denying coverage for necessary medical care related to gender
transition;
(iii) Adopting policies to ensure that individuals are treated consistent with their gender identity in all governmental service settings, including homeless shelters and jail; and

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

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

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

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

(5) There is no evidence that ensuring civil rights protections for these communities causes harm to anyone else, and in fact leading national experts and associations in the fields of education, health care, child health and welfare, and support for survivors of domestic and sexual violence roundly reject any such claims and support nondiscrimination protections for transgender people.
(6) All residents, workers, and visitors in the District of Columbia should be able to go about their daily lives without fear of harassment, discrimination, or violence due to their gender identity or expression.

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

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

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

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

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

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

(5) We call upon the Department of Health and Human Services, Department of Justice, Department of Labor, and Department of Education to seek to support and defend the
rights and dignity of transgender, intersex, and gender non-conforming individuals rather than
stigmatize and discriminate against them.

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

Sec. 5. This resolution shall take effect immediately.