

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0195-19

SPONSOR: Nathaniel Brown

TITLE: An Action Relating To Law And Order, And Health, Education & Human Services Committee, And The NAABIK'IYATI Committee; Supporting United States Senate Bill No. 788 – "Equality Act" Which Will Expand And Clarify The Protections And Remedies Against Discrimination on the Basis Of Sexual Orientation, Gender Identity, And Sex In The Areas Of Employment, Housing, Public Accommodations, Public Education, Federal Funding, And The Jury System

Date posted: July 10, 2019 at 7:08 PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0195-19

DATE: July 3, 2019

TITLE OF RESOLUTION: RELATING TO THE LAW AND ORDER, AND HEALTH, EDUCATION & HUMAN SERVICES COMMITTEES, AND THE NAABIK'ÍYÁTI' COMMITTEE; SUPPORTING UNITED STATES SENATE BILL NO. 788 - "EQUALITY ACT" WHICH WILL EXPAND AND CLARIFY THE PROTECTIONS AND REMEDIES AGAINST DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION, GENDER IDENTITY, AND SEX IN THE AREAS OF EMPLOYMENT, HOUSING, PUBLIC ACCOMODATIONS, PUBLIC, PUBLIC EDUCATION, FEDERAL FUNDING, AND THE JURY SYSTEM.

PURPOSE: The purpose of the resolution is to support US Senate Bill S. 788 – "Equality Act" and to authorize the Speaker of Navajo Nation, President of Navajo Nation, and the Navajo Nation Washington office, and their designees, to advocate Navajo Nation's support.

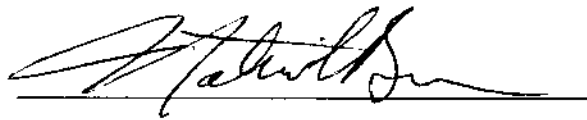
This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: None
Website Posting Time/Date: _____
Posting End Date: 7/15/19
Eligible for Action: 7/16/19

Law & Order Committee
Thence
Health, Education & Human Services Committee
Thence
Naabik'iyáti' Committee

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 24th NAVAJO NATION COUNCIL—FIRST YEAR, 2019

3 INTRODUCED BY

4 
5 _____

6 Primary Sponsor

7 TRACKING NO. 0195-19

8 AN ACTION

9 RELATING TO THE LAW AND ORDER, AND HEALTH, EDUCATION & HUMAN
10 SERVICES COMMITTEES, AND THE NAABIK'ÍYÁTI' COMMITTEE; SUPPORTING
11 UNITED STATES SENATE BILL NO. 788 - "EQUALITY ACT" WHICH WILL
12 EXPAND AND CLARIFY THE PROTECTIONS AND REMEDIES AGAINST
13 DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION, GENDER
14 IDENTITY, AND SEX IN THE AREAS OF EMPLOYMENT, HOUSING, PUBLIC
15 ACCOMODATIONS, PUBLIC, PUBLIC EDUCATION, FEDERAL FUNDING, AND
16 THE JURY SYSTEM.
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18
19 WHEREAS:

20 **Section One. Authority**

- 21 A. The Navajo Nation established the Law and Order Committee ("LOC") as a Navajo
22 Nation Council standing committee and as such empowered LOC to review and
23 recommend resolutions relating to public safety within the Navajo Nation. 2 N.N.C. §
24 600.
25
26 B. The Navajo Nation established the Health, Education, and Human Services
27 Committee ("HEHSC") as a Navajo Nation Council standing committee and as such
28 empowered HEHSC to review and recommend resolutions relating to health within
29 the Navajo Nation 2 N.N.C. § 400(C)(1).
30

- 1 C. The Navajo Nation established the Naabik'iyáti' Committee as a Navajo Nation
2 Council standing committee. 2 N.N.C. § 700 (A) (2012) *see also* CJA-03-13.
- 3 D. The Naabik'iyáti Committee has the power to coordinate all federal, county and state
4 programs with other standing committees and branches of the Navajo Nation
5 government to provide the most efficient delivery of services to Navajo Nation. 2
6 N.N.C. § 701(A)(4).
- 7 E. The Navajo Nation has a government-to-government relationship with the United
8 States of America, Treaty of 1868, Aug. 12, 1868, 15 Stat. 667.
- 9

10 **Section Two. Findings**

- 11 A. Senator Jeff Merkley (D-Oregon) introduced Senate Bill No. 788 "to expand as well
12 as clarify, confirm, and create greater consistency in the protections and remedies
13 against discrimination on the basis of all covered characteristics and to provide
14 guidance and notice to individuals, organizations, corporations, and agencies
15 regarding their obligations under the law." *See Exhibit A.*
- 16 B. U.S. Senate Bill S. 788 - "Equality Act." proposes updating the Civil Rights Act of
17 1964. *See Exhibit A.*
- 18 C. Upon passage, Senate Bill S. 788 will expand and clarify the protections and
19 remedies against discrimination on the basis of sexual orientation, gender identity,
20 and sex in the areas of employment, housing, public accommodations, public
21 education, federal funding, credit, and the jury system.
- 22 D. US Senate Bill S. 788 will define and include sex, sexual orientation, and gender
23 identity among the prohibited categories of discrimination or segregation based on
24 actual or perceived membership in the class, or association with members of a
25 protected class. *See Exhibit A.*
- 26 E. Further, Senate Bill S. 788 will modernize the federal definition of "public
27 accommodations" to include places or establishments that provide (1) exhibitions,
28 recreation, exercise, amusement, gatherings, or displays; (2) goods, services, or
29 programs; and (3) transportation services. It will also prohibit an individual from
30

1 being denied access to a shared facility such as a restroom, locker room, or dressing
2 room based on the individual's gender identity. This will extend discrimination
3 protections in the public sphere, thereby providing discrimination-free access and use
4 of social and public spaces to protected classes. *See Exhibit A.*

5 F. Since time immemorial, Navajo Two-Spirit LGBTQ people have held a sacred place
6 within Navajo society.

7 G. The Navajo Nation through the Naabik'íyáti Committee, finds US Senate Bill 788
8 aligns with the Navajo Nation's compassion and respect for LGBTQ people, and
9 finds it is in Navajo Nation's best interest to support US Senate Bill 788 as a step in
10 allowing LGBTQ communities, including our Two-Spirit LGBTQ communities, the
11 freedom from discrimination, protection from injurious practices, and the full pursuit
12 of happiness as citizens.
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15 NOW THEREFORE, BE IT RESOLVED:

16 A. The Navajo Nation hereby supports US Senate Bill 788 - "Equality Act." and urges
17 the United States Congress to pass and enact US Senate Bill 788 - "Equality Act."

18 B. The Navajo Nation hereby authorizes the Speaker of the Navajo Nation Council,
19 President of the Navajo Nation, the Navajo Nation Washington Office, and their
20 respective designees, to advocate on the behalf of the Navajo Nation to support the
21 passage and enactment of Senate Bill S. 788 - "Equality Act."
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