

116TH CONGRESS  
1ST SESSION

# H. R. 5

To prohibit discrimination on the basis of sex, gender identity, and sexual orientation, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 2019

Mr. CICILLINE (for himself, Mr. FITZPATRICK, Mrs. CRAIG, Ms. DAVIDS of Kansas, Ms. HILL of California, Mr. SEAN PATRICK MALONEY of New York, Mr. PAPPAS, Mr. POCAN, Mr. TAKANO, Ms. ADAMS, Mr. AGUILAR, Mr. ALLRED, Mrs. AXNE, Ms. BARRAGÁN, Ms. BASS, Mrs. BEATTY, Mr. BERA, Mr. BEYER, Mr. BISHOP of Georgia, Mr. BLUMENAUER, Ms. BLUNT ROCHESTER, Ms. BONAMICI, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. BRINDISI, Mr. BROWN of Maryland, Ms. BROWNLEY of California, Mrs. BUSTOS, Mr. BUTTERFIELD, Mr. CARBAJAL, Mr. CÁRDENAS, Mr. CARSON of Indiana, Mr. CARTWRIGHT, Mr. CASE, Mr. CASTEN of Illinois, Ms. CASTOR of Florida, Mr. CASTRO of Texas, Ms. JUDY CHU of California, Mr. CISNEROS, Ms. CLARK of Massachusetts, Ms. CLARKE of New York, Mr. CLAY, Mr. CLEAVER, Mr. CLYBURN, Mr. COHEN, Mr. CONNOLLY, Mr. COOPER, Mr. CORREA, Mr. COSTA, Mr. COURTNEY, Mr. COX of California, Mr. CRIST, Mr. CROW, Mr. CUELLAR, Mr. CUMMINGS, Mr. CUNNINGHAM, Mrs. DAVIS of California, Mr. DANNY K. DAVIS of Illinois, Ms. DEAN, Mr. DEFazio, Ms. DEGETTE, Ms. DELAURO, Ms. DELBENE, Mr. DELGADO, Mrs. DEMINGS, Mr. DESAULNIER, Mr. DEUTCH, Mrs. DINGELL, Mr. DOGGETT, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. ENGEL, Ms. ESCOBAR, Ms. ESHOO, Mr. ESPAILLAT, Mr. EVANS, Ms. FINKENAUER, Mrs. FLETCHER, Mr. FOSTER, Ms. FRANKEL, Ms. FUDGE, Ms. GABBARD, Mr. GALLEGO, Mr. GARAMENDI, Ms. GARCIA of Texas, Mr. GARCÍA of Illinois, Mr. GOLDEN, Mr. GOMEZ, Mr. GONZALEZ of Texas, Mr. GOTTHEIMER, Mr. GREEN of Texas, Mr. GRIJALVA, Ms. HAALAND, Mr. HARDER of California, Mr. HASTINGS, Mrs. HAYES, Mr. HECK, Mr. HIGGINS of New York, Mr. HIMES, Ms. KENDRA S. HORN of Oklahoma, Mr. HORSFORD, Ms. HOULAHAN, Mr. HOYER, Mr. HUFFMAN, Ms. JACKSON LEE, Ms. JAYAPAL, Mr. JEFFRIES, Mr. JOHNSON of Georgia, Ms. JOHNSON of Texas, Ms. KAPTUR, Mr. KATKO, Mr. KEATING, Ms. KELLY of Illinois, Mr. KENNEDY, Mr. KHANNA, Mr. KILDEE, Mr. KILMER, Mr. KIM, Mr. KIND, Mrs. KIRKPATRICK, Mr. KRISHNAMOORTHY, Ms. KUSTER of New Hampshire, Mr. LAMB, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mrs. LAWRENCE, Mr. LAWSON of Florida, Ms.

LEE of California, Mrs. LEE of Nevada, Mr. LEVIN of California, Mr. LEVIN of Michigan, Mr. LEWIS, Mr. TED LIEU of California, Mr. LOEBSACK, Ms. LOFGREN, Mr. LOWENTHAL, Mrs. LOWEY, Mr. LUJÁN, Mrs. LURIA, Mr. LYNCH, Mr. MALINOWSKI, Mrs. CAROLYN B. MALONEY of New York, Ms. MATSUI, Mr. MCADAMS, Mrs. MCBATH, Ms. MCCOLLUM, Mr. MCEACHIN, Mr. MCGOVERN, Mr. MCNERNEY, Mr. MEEKS, Ms. MENG, Ms. MOORE, Mr. MORELLE, Mr. MOULTON, Ms. MUCARSEL-POWELL, Mrs. MURPHY, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL, Mr. NEGUSE, Mr. NORCROSS, Ms. NORTON, Ms. OCASIO-CORTEZ, Mr. O'HALLERAN, Ms. OMAR, Mr. PALLONE, Mr. PANETTA, Mr. PASCRELL, Mr. PAYNE, Ms. PELOSI, Mr. PERLMUTTER, Mr. PETERS, Mr. PETERSON, Mr. PHILLIPS, Ms. PINGREE, Ms. PLASKETT, Ms. PORTER, Ms. PRESSLEY, Mr. PRICE of North Carolina, Mr. QUIGLEY, Mr. RASKIN, Miss RICE of New York, Mr. RICHMOND, Mr. ROSE of New York, Mr. ROUDA, Ms. ROYBAL-ALLARD, Mr. RUIZ, Mr. RUPPERSBERGER, Mr. RUSH, Mr. RYAN, Mr. SABLAN, Mr. SAN NICOLAS, Ms. SÁNCHEZ, Mr. SARBANES, Ms. SCANLON, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCHNEIDER, Mr. SCHRADER, Ms. SCHRIER, Mr. SCOTT of Virginia, Mr. DAVID SCOTT of Georgia, Mr. SERRANO, Ms. SEWELL of Alabama, Ms. SHALALA, Mr. SHERMAN, Ms. SHERRILL, Mr. SIRES, Ms. SLOTKIN, Mr. SMITH of Washington, Mr. SOTO, Ms. SPANBERGER, Ms. SPEIER, Mr. STANTON, Ms. STEVENS, Mr. SUOZZI, Mr. SWALWELL of California, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Ms. TITUS, Ms. TLAIB, Mr. TONKO, Mrs. TORRES of California, Ms. TORRES SMALL of New Mexico, Mrs. TRAHAN, Mr. TRONE, Ms. UNDERWOOD, Mr. VAN DREW, Mr. VARGAS, Mr. VEASEY, Mr. VELA, Ms. VELÁZQUEZ, Mr. VISCLOSKEY, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Mrs. WATSON COLEMAN, Mr. WELCH, Ms. WEXTON, Ms. WILD, Ms. WILSON of Florida, and Mr. YARMUTH) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Education and Labor, Financial Services, Oversight and Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To prohibit discrimination on the basis of sex, gender identity, and sexual orientation, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
 2        *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Equality Act”.

3 **SEC. 2. FINDINGS AND PURPOSE.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) Discrimination can occur on the basis of the  
6 sex, sexual orientation, gender identity, or preg-  
7 nancy, childbirth, or a related medical condition of  
8 an individual, as well as because of sex-based stereo-  
9 types. Each of these factors alone can serve as the  
10 basis for discrimination, and each is a form of sex  
11 discrimination.

12 (2) A single instance of discrimination may  
13 have more than one basis. For example, discrimina-  
14 tion against a married same-sex couple could be  
15 based on the sex stereotype that marriage should  
16 only be between heterosexual couples, the sexual ori-  
17 entation of the two individuals in the couple, or  
18 both. Discrimination against a pregnant lesbian  
19 could be based on her sex, her sexual orientation,  
20 her pregnancy, or on the basis of multiple factors.

21 (3) Lesbian, gay, bisexual, and transgender (re-  
22 ferred to as “LGBT”) people commonly experience  
23 discrimination in securing access to public accom-  
24 modations—including restaurants, senior centers,  
25 stores, places of or establishments that provide en-  
26 tertainment, health care facilities, shelters, govern-

1       ment offices, youth service providers including adop-  
2       tion and foster care providers, and transportation.  
3       Forms of discrimination include the exclusion and  
4       denial of entry, unequal or unfair treatment, harass-  
5       ment, and violence. This discrimination prevents the  
6       full participation of LGBT people in society and dis-  
7       rupts the free flow of commerce.

8               (4) Women also have faced discrimination in  
9       many establishments such as stores and restaurants,  
10      and places or establishments that provide other  
11      goods or services, such as entertainment or transpor-  
12      tation, including sexual harassment, differential pric-  
13      ing for substantially similar products and services,  
14      and denial of services because they are pregnant or  
15      breastfeeding.

16              (5) Many employers already and continue to  
17      take proactive steps, beyond those required by some  
18      States and localities, to ensure they are fostering  
19      positive and respectful cultures for all employees.  
20      Many places of public accommodation also recognize  
21      the economic imperative to offer goods and services  
22      to as many consumers as possible.

23              (6) Regular and ongoing discrimination against  
24      LGBT people, as well as women, in accessing public  
25      accommodations contributes to negative social and

1 economic outcomes, and in the case of public accom-  
2 modations operated by State and local governments,  
3 abridges individuals' constitutional rights.

4 (7) The discredited practice known as “conver-  
5 sion therapy” is a form of discrimination that harms  
6 LGBT people by undermining individuals sense of  
7 self worth, increasing suicide ideation and substance  
8 abuse, exacerbating family conflict, and contributing  
9 to second class status.

10 (8) Both LGBT people and women face wide-  
11 spread discrimination in employment and various  
12 services, including by entities that receive Federal fi-  
13 nancial assistance. Such discrimination—

14 (A) is particularly troubling and inappro-  
15 priate for programs and services funded wholly  
16 or in part by the Federal Government;

17 (B) undermines national progress toward  
18 equal treatment regardless of sex, sexual ori-  
19 entation, or gender identity; and

20 (C) is inconsistent with the constitutional  
21 principle of equal protection under the Four-  
22 teenth Amendment to the Constitution of the  
23 United States.

24 (9) Federal courts have widely recognized that,  
25 in enacting the Civil Rights Act of 1964, Congress

1 validly invoked its powers under the Fourteenth  
2 Amendment to provide a full range of remedies in  
3 response to persistent, widespread, and pervasive  
4 discrimination by both private and government ac-  
5 tors.

6 (10) Discrimination by State and local govern-  
7 ments on the basis of sexual orientation or gender  
8 identity in employment, housing, and public accom-  
9 modations, and in programs and activities receiving  
10 Federal financial assistance, violates the Equal Pro-  
11 tection Clause of the Fourteenth Amendment to the  
12 Constitution of the United States. In many cir-  
13 cumstances, such discrimination also violates other  
14 constitutional rights such as those of liberty and pri-  
15 vacy under the due process clause of the Fourteenth  
16 Amendment.

17 (11) Individuals who are LGBT, or are per-  
18 ceived to be LGBT, have been subjected to a history  
19 and pattern of persistent, widespread, and pervasive  
20 discrimination on the bases of sexual orientation and  
21 gender identity by both private sector and Federal,  
22 State, and local government actors, including in em-  
23 ployment, housing, and public accommodations, and  
24 in programs and activities receiving Federal finan-  
25 cial assistance. An explicit and comprehensive na-

1 tional solution is needed to address such discrimina-  
2 tion, including the full range of remedies available  
3 under the Civil Rights Act of 1964.

4 (12) Numerous provisions of Federal law ex-  
5 pressly prohibit discrimination on the basis of sex,  
6 and Federal agencies and courts have correctly in-  
7 terpreted these prohibitions on sex discrimination to  
8 include discrimination based on sexual orientation,  
9 gender identity, and sex stereotypes. In particular,  
10 the Equal Employment Opportunity Commission  
11 correctly interpreted title VII of the Civil Rights Act  
12 of 1964 in *Macy v. Holder*, *Baldwin v. Foxx*, and  
13 *Lusardi v. McHugh*.

14 (13) The absence of explicit prohibitions of dis-  
15 crimination on the basis of sexual orientation and  
16 gender identity under Federal statutory law, as well  
17 as the existence of legislative proposals that would  
18 have provided such explicit prohibitions, has led  
19 some courts to conclude incorrectly that current  
20 Federal laws prohibiting sex discrimination do not  
21 prohibit discrimination on the basis of sexual ori-  
22 entation and gender identity. It has also created un-  
23 certainty for employers and other entities covered by  
24 Federal nondiscrimination laws and caused unneces-  
25 sary hardships for LGBT individuals.

1           (14) LGBT people often face discrimination  
2 when seeking to rent or purchase housing, as well as  
3 in every other aspect of obtaining and maintaining  
4 housing. LGBT people in same-sex relationships are  
5 often discriminated against when two names associ-  
6 ated with one gender appear on a housing applica-  
7 tion, and transgender people often encounter dis-  
8 crimination when credit checks or inquiries reveal a  
9 former name.

10           (15) National surveys, including a study com-  
11 missioned by the Department of Housing and Urban  
12 Development, show that housing discrimination  
13 against LGBT people is very prevalent. For in-  
14 stance, when same-sex couples inquire about housing  
15 that is available for rent, they are less likely to re-  
16 ceive positive responses from landlords. A national  
17 matched-pair testing investigation found that nearly  
18 one-half of same-sex couples face adverse, differen-  
19 tial treatment when seeking elder housing. Accord-  
20 ing to other studies, transgender people have half  
21 the homeownership rate of non-transgender people  
22 and about 1 in 5 transgender people experience  
23 homelessness.

24           (16) As a result of the absence of explicit prohi-  
25 bitions against discrimination on the basis of sexual



1 orientation and gender identity, credit applicants  
2 who are LGBT, or perceived to be LGBT, have un-  
3 equal opportunities to establish credit. LGBT people  
4 can experience being denied a mortgage, credit card,  
5 student loan, or many other types of credit simply  
6 because of their sexual orientation or gender iden-  
7 tity.

8 (17) Numerous studies demonstrate that LGBT  
9 people, especially transgender people and women, are  
10 economically disadvantaged and at a higher risk for  
11 poverty compared with other groups of people. For  
12 example, older women in same-sex couples have  
13 twice the poverty rate of older different-sex couples.

14 (18) The right to an impartial jury of one's  
15 peers and the reciprocal right to jury service are  
16 fundamental to the free and democratic system of  
17 justice in the United States and are based in the  
18 Bill of Rights. There is, however, an unfortunate  
19 and long-documented history in the United States of  
20 attorneys discriminating against LGBT individuals,  
21 or those perceived to be LGBT, in jury selection.  
22 Failure to bar peremptory challenges based on the  
23 actual or perceived sexual orientation or gender  
24 identity of an individual not only erodes a funda-  
25 mental right, duty, and obligation of being a citizen

1 of the United States, but also unfairly creates a sec-  
2 ond class of citizenship for LGBT victims, witnesses,  
3 plaintiffs, and defendants.

4 (19) Numerous studies document the shortage  
5 of qualified and available homes for the 437,000  
6 youth in the child welfare system and the negative  
7 outcomes for the many youth who live in group care  
8 as opposed to a loving home or who age out without  
9 a permanent family. Although same-sex couples are  
10 7 times more likely to foster or adopt than their dif-  
11 ferent-sex counterparts, many child placing agencies  
12 refuse to serve same-sex couples and LGBT individ-  
13 uals. This has resulted in a reduction of the pool of  
14 qualified and available homes for youth in the child  
15 welfare system who need placement on a temporary  
16 or permanent basis. Barring discrimination in foster  
17 care and adoption will increase the number of homes  
18 available to foster children waiting for foster and  
19 adoptive families.

20 (20) LGBT youth are overrepresented in the  
21 foster care system by at least a factor of two and  
22 report twice the rate of poor treatment while in care  
23 compared to their non-LGBT counterparts. LGBT  
24 youth in foster care have a higher average number  
25 of placements, higher likelihood of living in a group

1 home, and higher rates of hospitalization for emo-  
2 tional reasons and juvenile justice involvement than  
3 their non-LGBT peers because of the high level of  
4 bias and discrimination that they face and the dif-  
5 ficulty of finding affirming foster placements. Fur-  
6 ther, due to their physical distance from friends and  
7 family, traumatic experiences, and potentially unsta-  
8 ble living situations, all youth involved with child  
9 welfare are at risk for being targeted by traffickers  
10 seeking to exploit children. Barring discrimination in  
11 child welfare services will ensure improved treatment  
12 and outcomes for LGBT foster children.

13 (b) PURPOSE.—It is the purpose of this Act to ex-  
14 pand as well as clarify, confirm and create greater consist-  
15 ency in the protections and remedies against discrimina-  
16 tion on the basis of all covered characteristics and to pro-  
17 vide guidance and notice to individuals, organizations, cor-  
18 porations, and agencies regarding their obligations under  
19 the law.

20 **SEC. 3. PUBLIC ACCOMMODATIONS.**

21 (a) PROHIBITION ON DISCRIMINATION OR SEGREGA-  
22 TION IN PUBLIC ACCOMMODATIONS.—Section 201 of the  
23 Civil Rights Act of 1964 (42 U.S.C. 2000a) is amended—

1           (1) in subsection (a), by inserting “sex (includ-  
2           ing sexual orientation and gender identity),” before  
3           “or national origin”; and

4           (2) in subsection (b)—

5                 (A) in paragraph (3), by striking “sta-  
6                 dium” and all that follows and inserting “sta-  
7                 dium or other place of or establishment that  
8                 provides exhibition, entertainment, recreation,  
9                 exercise, amusement, gathering, or display;”;

10                (B) by redesignating paragraph (4) as  
11                paragraph (6); and

12                (C) by inserting after paragraph (3) the  
13                following:

14                “(4) any establishment that provides a good,  
15                service, or program, including a store, shopping cen-  
16                ter, online retailer or service provider, salon, bank,  
17                gas station, food bank, service or care center, shel-  
18                ter, travel agency, or funeral parlor, or establish-  
19                ment that provides health care, accounting, or legal  
20                services;

21                “(5) any train service, bus service, car service,  
22                taxi service, airline service, station, depot, or other  
23                place of or establishment that provides transpor-  
24                tation service; and”.

1 (b) PROHIBITION ON DISCRIMINATION OR SEGREGA-  
2 TION UNDER LAW.—Section 202 of such Act (42 U.S.C.  
3 2000a–1) is amended by inserting “sex (including sexual  
4 orientation and gender identity),” before “or national ori-  
5 gin”.

6 (c) RULE OF CONSTRUCTION.—Title II of such Act  
7 (42 U.S.C. 2000a et seq.) is amended by adding at the  
8 end the following:

9 **“SEC. 208. RULE OF CONSTRUCTION.**

10 “A reference in this title to an establishment—

11 “(1) shall be construed to include an individual  
12 whose operations affect commerce and who is a pro-  
13 vider of a good, service, or program; and

14 “(2) shall not be construed to be limited to a  
15 physical facility or place.”.

16 **SEC. 4. DESEGREGATION OF PUBLIC FACILITIES.**

17 Section 301(a) of the Civil Rights Act of 1964 (42  
18 U.S.C. 2000b(a)) is amended by inserting “sex (including  
19 sexual orientation and gender identity),” before “or na-  
20 tional origin”.

21 **SEC. 5. DESEGREGATION OF PUBLIC EDUCATION.**

22 (a) DEFINITIONS.—Section 401(b) of the Civil Rights  
23 Act of 1964 (42 U.S.C. 2000c(b)) is amended by inserting  
24 “(including sexual orientation and gender identity),” be-  
25 fore “or national origin”.

1 (b) CIVIL ACTIONS BY THE ATTORNEY GENERAL.—  
2 Section 407 of such Act (42 U.S.C. 2000c–6) is amended,  
3 in subsection (a)(2), by inserting “(including sexual ori-  
4 entation and gender identity),” before “or national ori-  
5 gin”.

6 (c) CLASSIFICATION AND ASSIGNMENT.—Section 410  
7 of such Act (42 U.S.C. 2000c–9) is amended by inserting  
8 “(including sexual orientation and gender identity),” be-  
9 fore “or national origin”.

10 **SEC. 6. FEDERAL FUNDING.**

11 Section 601 of the Civil Rights Act of 1964 (42  
12 U.S.C. 2000d) is amended by inserting “sex (including  
13 sexual orientation and gender identity),” before “or na-  
14 tional origin,”.

15 **SEC. 7. EMPLOYMENT.**

16 (a) RULES OF CONSTRUCTION.—Title VII of the  
17 Civil Rights Act of 1964 is amended by inserting after  
18 section 701 (42 U.S.C. 2000e) the following:

19 **“SEC. 701A. RULES OF CONSTRUCTION.**

20 “Section 1106 shall apply to this title except that for  
21 purposes of that application, a reference in that section  
22 to an ‘unlawful practice’ shall be considered to be a ref-  
23 erence to an ‘unlawful employment practice’.”

1 (b) UNLAWFUL EMPLOYMENT PRACTICES.—Section  
2 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–  
3 2) is amended—

4 (1) in the section header, by striking “SEX,”  
5 and inserting “SEX (INCLUDING SEXUAL ORIENTA-  
6 TION AND GENDER IDENTITY),”;

7 (2) except in subsection (e), by striking “sex,”  
8 each place it appears and inserting “sex (including  
9 sexual orientation and gender identity),”; and

10 (3) in subsection (e)(1), by striking “enter-  
11 prise,” and inserting “enterprise, if, in a situation in  
12 which sex is a bona fide occupational qualification,  
13 individuals are recognized as qualified in accordance  
14 with their gender identity,”.

15 (c) OTHER UNLAWFUL EMPLOYMENT PRACTICES.—  
16 Section 704(b) of the Civil Rights Act of 1964 (42 U.S.C.  
17 2000e–3(b)) is amended—

18 (1) by striking “sex,” the first place it appears  
19 and inserting “sex (including sexual orientation and  
20 gender identity),”; and

21 (2) by striking “employment.” and inserting  
22 “employment, if, in a situation in which sex is a  
23 bona fide occupational qualification, individuals are  
24 recognized as qualified in accordance with their gen-  
25 der identity.”.

1 (d) CLAIMS.—Section 706(g)(2)(A) of the Civil  
2 Rights Act of 1964 (2000e–5(g)(2)(A)) is amended by  
3 striking “sex,” and inserting “sex (including sexual ori-  
4 entation and gender identity),”.

5 (e) EMPLOYMENT BY FEDERAL GOVERNMENT.—Sec-  
6 tion 717 of the Civil Rights Act of 1964 (42 U.S.C.  
7 2000e–16) is amended—

8 (1) in subsection (a), by striking “sex,” and in-  
9 serting “sex (including sexual orientation and gender  
10 identity),”; and

11 (2) in subsection (c), by striking “sex” and in-  
12 serting “sex (including sexual orientation and gender  
13 identity),”.

14 (f) GOVERNMENT EMPLOYEE RIGHTS ACT OF  
15 1991.—The Government Employee Rights Act of 1991  
16 (42 U.S.C. 2000e–16a et seq.) is amended—

17 (1) in section 301(b), by striking “sex,” and in-  
18 serting “sex (including sexual orientation and gender  
19 identity),”; and

20 (2) in section 302(a)(1), by striking “sex,” and  
21 inserting “sex (including sexual orientation and gen-  
22 der identity),”; and

23 (3) by adding at the end the following:



1 **“SEC. 305. RULES OF CONSTRUCTION AND CLAIMS.**

2 “Sections 1101(b), 1106, and 1107 of the Civil  
3 Rights Act of 1964 shall apply to this title except that  
4 for purposes of that application, a reference in that section  
5 1106 to ‘race, color, religion, sex (including sexual orienta-  
6 tion and gender identity), or national origin’ shall be con-  
7 sidered to be a reference to ‘race, color, religion, sex, sex-  
8 ual orientation, gender identity, national origin, age, or  
9 disability’.”.

10 (g) CONGRESSIONAL ACCOUNTABILITY ACT OF  
11 1995.—The Congressional Accountability Act of 1995 (2  
12 U.S.C. 1301 et seq.) is amended—

13 (1) in section 201(a)(1) (2 U.S.C. 1311(a)(1))  
14 by inserting “(including sexual orientation and gen-  
15 der identity),” before “or national origin,”; and

16 (2) by adding at the end of title II (42 U.S.C.  
17 1311 et seq.) the following:

18 **“SEC. 208. RULES OF CONSTRUCTION AND CLAIMS.**

19 “Sections 1101(b), 1106, and 1107 of the Civil  
20 Rights Act of 1964 shall apply to section 201 (and reme-  
21 dial provisions of this Act related to section 201) except  
22 that for purposes of that application, a reference in that  
23 section 1106 to ‘race, color, religion, sex (including sexual  
24 orientation and gender identity), or national origin’ shall  
25 be considered to be a reference to ‘race, color, religion,

1 sex (including sexual orientation and gender identity), na-  
2 tional origin, age, or disability’.”.

3 (h) CIVIL SERVICE REFORM ACT OF 1978.—Chapter  
4 23 of title 5, United States Code, is amended—

5 (1) in section 2301(b)(2), by striking “sex,”  
6 and inserting “sex (including sexual orientation and  
7 gender identity),”;

8 (2) in section 2302—

9 (A) in subsection (b)(1)(A), by inserting  
10 “(including sexual orientation and gender iden-  
11 tity),” before “or national origin,”; and

12 (B) in subsection (d)(1), by inserting “(in-  
13 cluding sexual orientation and gender iden-  
14 tity),” before “or national origin,”; and

15 (3) by adding at the end the following:

16 **“SEC. 2307. RULES OF CONSTRUCTION AND CLAIMS.**

17 “Sections 1101(b), 1106, and 1107 of the Civil  
18 Rights Act of 1964 shall apply to this chapter (and reme-  
19 dial provisions of this title related to this chapter) except  
20 that for purposes of that application, a reference in that  
21 section 1106 to ‘race, color, religion, sex (including sexual  
22 orientation and gender identity), or national origin’ shall  
23 be considered to be a reference to ‘race, color, religion,  
24 sex (including sexual orientation and gender identity), na-

1 tional origin, age, a handicapping condition, marital sta-  
2 tus, or political affiliation’.”

3 **SEC. 8. INTERVENTION.**

4 Section 902 of the Civil Rights Act of 1964 (42  
5 U.S.C. 2000h–2) is amended by inserting “(including sex-  
6 ual orientation and gender identity),” before “or national  
7 origin,”.

8 **SEC. 9. MISCELLANEOUS.**

9 Title XI of the Civil Rights Act of 1964 is amended—

10 (1) by redesignating sections 1101 through  
11 1104 (42 U.S.C. 2000h et seq.) and sections 1105  
12 and 1106 (42 U.S.C. 2000h–5, 2000h–6) as sections  
13 1102 through 1105 and sections 1108 and 1109, re-  
14 spectively;

15 (2) by inserting after the title heading the fol-  
16 lowing:

17 **“SEC. 1101. DEFINITIONS AND RULES.**

18 “(a) DEFINITIONS.—In titles II, III, IV, VI, VII, and  
19 IX (referred to individually in sections 1106 and 1107 as  
20 a ‘covered title’):

21 “(1) RACE; COLOR; RELIGION; SEX; SEXUAL  
22 ORIENTATION; GENDER IDENTITY; NATIONAL ORI-  
23 GIN.—The term ‘race’, ‘color’, ‘religion’, ‘sex’ (in-  
24 cluding ‘sexual orientation’ and ‘gender identity’), or

1 ‘national origin’, used with respect to an individual,  
2 includes—

3 “(A) the race, color, religion, sex (includ-  
4 ing sexual orientation and gender identity), or  
5 national origin, respectively, of another person  
6 with whom the individual is associated or has  
7 been associated; and

8 “(B) a perception or belief, even if inac-  
9 curate, concerning the race, color, religion, sex  
10 (including sexual orientation and gender iden-  
11 tity), or national origin, respectively, of the in-  
12 dividual.

13 “(2) GENDER IDENTITY.—The term ‘gender  
14 identity’ means the gender-related identity, appear-  
15 ance, mannerisms, or other gender-related character-  
16 istics of an individual, regardless of the individual’s  
17 designated sex at birth.

18 “(3) INCLUDING.—The term ‘including’ means  
19 including, but not limited to, consistent with the  
20 term’s standard meaning in Federal law.

21 “(4) SEX.—The term ‘sex’ includes—

22 “(A) a sex stereotype;

23 “(B) pregnancy, childbirth, or a related  
24 medical condition;

1 “(C) sexual orientation or gender identity;

2 and

3 “(D) sex characteristics, including intersex

4 traits.

5 “(5) SEXUAL ORIENTATION.—The term ‘sexual

6 orientation’ means homosexuality, heterosexuality, or

7 bisexuality.

8 “(b) RULES.—In a covered title referred to in sub-

9 section (a)—

10 “(1) (with respect to sex) pregnancy, childbirth,

11 or a related medical condition shall not receive less

12 favorable treatment than other physical conditions;

13 and

14 “(2) (with respect to gender identity) an indi-

15 vidual shall not be denied access to a shared facility,

16 including a restroom, a locker room, and a dressing

17 room, that is in accordance with the individual’s

18 gender identity.”; and

19 (3) by inserting after section 1105 the fol-

20 lowing:

21 **“SEC. 1106. RULES OF CONSTRUCTION.**

22 “(a) SEX.—Nothing in section 1101 or the provisions

23 of a covered title incorporating a term defined or a rule

24 specified in that section shall be construed—

1           “(1) to limit the protection against an unlawful  
2           practice on the basis of pregnancy, childbirth, or a  
3           related medical condition provided by section 701(k);  
4           or

5           “(2) to limit the protection against an unlawful  
6           practice on the basis of sex available under any pro-  
7           vision of Federal law other than that covered title,  
8           prohibiting a practice on the basis of sex.

9           “(b) CLAIMS AND REMEDIES NOT PRECLUDED.—  
10          Nothing in section 1101 or a covered title shall be con-  
11          strued to limit the claims or remedies available to any indi-  
12          vidual for an unlawful practice on the basis of race, color,  
13          religion, sex (including sexual orientation and gender iden-  
14          tity), or national origin including claims brought pursuant  
15          to section 1979 or 1980 of the Revised Statutes (42  
16          U.S.C. 1983, 1985) or any other law, including a Federal  
17          law amended by the Equality Act, regulation, or policy.

18          “(c) NO NEGATIVE INFERENCE.—Nothing in section  
19          1101 or a covered title shall be construed to support any  
20          inference that any Federal law prohibiting a practice on  
21          the basis of sex does not prohibit discrimination on the  
22          basis of pregnancy, childbirth, or a related medical condi-  
23          tion, sexual orientation, gender identity, or a sex stereo-  
24          type.

1 **“SEC. 1107. CLAIMS.**

2 “The Religious Freedom Restoration Act of 1993 (42  
3 U.S.C. 2000bb et seq.) shall not provide a claim con-  
4 cerning, or a defense to a claim under, a covered title,  
5 or provide a basis for challenging the application or en-  
6 forcement of a covered title.”.

7 **SEC. 10. HOUSING.**

8 (a) FAIR HOUSING ACT.—The Fair Housing Act (42  
9 U.S.C. 3601 et seq.) is amended—

10 (1) in section 802 (42 U.S.C. 3602), by adding  
11 at the end the following:

12 “(p) ‘Gender identity’, ‘sex’, and ‘sexual orientation’  
13 have the meanings given those terms in section 1101(a)  
14 of the Civil Rights Act of 1964.

15 “(q) ‘Race’, ‘color’, ‘religion’, ‘sex’ (including ‘sexual  
16 orientation’ and ‘gender identity’), ‘handicap’, ‘familial  
17 status’, or ‘national origin’, used with respect to an indi-  
18 vidual, includes—

19 “(1) the race, color, religion, sex (including sex-  
20 ual orientation and gender identity), handicap, fa-  
21 milial status, or national origin, respectively, of an-  
22 other person with whom the individual is associated  
23 or has been associated; and

24 “(2) a perception or belief, even if inaccurate,  
25 concerning the race, color, religion, sex (including  
26 sexual orientation and gender identity), handicap,

1 familial status, or national origin, respectively, of the  
2 individual.”;

3 (2) in section 804, by inserting “(including sex-  
4 ual orientation and gender identity),” after “sex,”  
5 each place that term appears;

6 (3) in section 805, by inserting “(including sex-  
7 ual orientation and gender identity),” after “sex,”  
8 each place that term appears;

9 (4) in section 806, by inserting “(including sex-  
10 ual orientation and gender identity),” after “sex,”;

11 (5) in section 808(e)(6), by inserting “(includ-  
12 ing sexual orientation and gender identity),” after  
13 “sex,”; and

14 (6) by adding at the end the following:

15 **“SEC. 821. RULES OF CONSTRUCTION.**

16 “Sections 1101(b) and 1106 of the Civil Rights Act  
17 of 1964 shall apply to this title and section 901, except  
18 that for purposes of that application, a reference in that  
19 section 1101(b) or 1106 to a ‘covered title’ shall be consid-  
20 ered a reference to ‘this title and section 901’.

21 **“SEC. 822. CLAIMS.**

22 “Section 1107 of the Civil Rights Act of 1964 shall  
23 apply to this title and section 901, except that for pur-  
24 poses of that application, a reference in that section 1107



1 to a ‘covered title’ shall be considered a reference to ‘this  
2 title and section 901’.”.

3 (b) PREVENTION OF INTIMIDATION IN FAIR HOUS-  
4 ING CASES.—Section 901 of the Civil Rights Act of 1968  
5 (42 U.S.C. 3631) is amended by inserting “(including sex-  
6 ual orientation (as such term is defined in section 802 of  
7 this Act) and gender identity (as such term is defined in  
8 section 802 of this Act)),” after “sex,” each place that  
9 term appears.

10 **SEC. 11. EQUAL CREDIT OPPORTUNITY.**

11 (a) PROHIBITED DISCRIMINATION.—Section  
12 701(a)(1) of the Equal Credit Opportunity Act (15 U.S.C.  
13 1691(a)(1)) is amended by inserting “(including sexual  
14 orientation and gender identity),” after “sex”.

15 (b) DEFINITIONS.—Section 702 of the Equal Credit  
16 Opportunity Act (15 U.S.C. 1691a) is amended—

17 (1) by redesignating subsections (f) and (g) as  
18 subsections (h) and (i), respectively;

19 (2) by inserting after subsection (e) the fol-  
20 lowing:

21 “(f) The terms ‘gender identity’, ‘sex’, and ‘sexual  
22 orientation’ have the meanings given those terms in sec-  
23 tion 1101(a) of the Civil Rights Act of 1964.

24 “(g) The term ‘race’, ‘color’, ‘religion’, ‘national ori-  
25 gin’, ‘sex’ (including ‘sexual orientation’ and ‘gender iden-

1 tity’), ‘marital status’, or ‘age’, used with respect to an  
2 individual, includes—

3 “(1) the race, color, religion, national origin,  
4 sex (including sexual orientation and gender iden-  
5 tity), marital status, or age, respectively, of another  
6 person with whom the individual is associated or has  
7 been associated; and

8 “(2) a perception or belief, even if inaccurate,  
9 concerning the race, color, religion, national origin,  
10 sex (including sexual orientation and gender iden-  
11 tity), marital status, or age, respectively, of the indi-  
12 vidual.”; and

13 (3) by adding at the end the following:

14 “(j) Sections 1101(b) and 1106 of the Civil Rights  
15 Act of 1964 shall apply to this title, except that for pur-  
16 poses of that application—

17 “(1) a reference in those sections to a ‘covered  
18 title’ shall be considered a reference to ‘this title’;  
19 and

20 “(2) paragraph (1) of such section 1101(b)  
21 shall apply with respect to all aspects of a credit  
22 transaction.”.

23 (c) RELATION TO STATE LAWS.—Section 705(a) of  
24 the Equal Credit Opportunity Act (15 U.S.C. 1691d(a))

1 is amended by inserting “(including sexual orientation and  
2 gender identity),” after “sex”.

3 (d) CIVIL LIABILITY.—Section 706 of the Equal  
4 Credit Opportunity Act (15 U.S.C. 1691e) is amended by  
5 adding at the end the following:

6 “(l) Section 1107 of the Civil Rights Act of 1964  
7 shall apply to this title, except that for purposes of that  
8 application, a reference in that section to a ‘covered title’  
9 shall be considered a reference to ‘this title’.”.

10 **SEC. 12. JURIES.**

11 (a) IN GENERAL.—Chapter 121 of title 28, United  
12 States Code, is amended—

13 (1) in section 1862, by inserting “(including  
14 sexual orientation and gender identity),” after  
15 “sex,”;

16 (2) in section 1867(e), in the second sentence,  
17 by inserting “(including sexual orientation and gen-  
18 der identity),” after “sex,”;

19 (3) in section 1869—

20 (A) in subsection (j), by striking “and” at  
21 the end;

22 (B) in subsection (k), by striking the pe-  
23 riod at the end and inserting a semicolon; and

24 (C) by adding at the end the following:

1 “(l) ‘gender identity’, ‘sex’, and ‘sexual orientation’  
2 have the meanings given such terms under section 1101(a)  
3 of the Civil Rights Act of 1964; and

4 “(m) ‘race’, ‘color’, ‘religion’, ‘sex’ (including ‘sexual  
5 orientation’ and ‘gender identity’), ‘economic status’, or  
6 ‘national origin’, used with respect to an individual, in-  
7 cludes—

8 “(1) the race, color, religion, sex (including sex-  
9 ual orientation and gender identity), economic sta-  
10 tus, or national origin, respectively, of another per-  
11 son with whom the individual is associated or has  
12 been associated; and

13 “(2) a perception or belief, even if inaccurate,  
14 concerning the race, color, religion, sex (including  
15 sexual orientation and gender identity), economic  
16 status, or national origin, respectively, of the indi-  
17 vidual.”; and

18 (4) by adding at the end the following:

19 **“§ 1879. Rules of construction and claims**

20 “Sections 1101(b), 1106, and 1107 of the Civil  
21 Rights Act of 1964 shall apply to this chapter, except that  
22 for purposes of that application, a reference in those sec-  
23 tions to a ‘covered title’ shall be considered a reference  
24 to ‘this chapter’.”.

1 (b) TECHNICAL AND CONFORMING AMENDMENT.—

2 The table of sections for chapter 121 of title 28, United

3 States Code, is amended by adding at the end the fol-

4 lowing:

“1879. Rules of construction and claims.”.

