

115TH CONGRESS  
1ST SESSION

# H. R. 2282

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

MAY 2, 2017

Mr. CICILLINE (for himself, Mrs. BUSTOS, Ms. BROWNLEY of California, Mr. SEAN PATRICK MALONEY of New York, Mr. CARTWRIGHT, Mr. CROWLEY, Ms. FRANKEL of Florida, Mr. CORREA, Mr. EVANS, Mr. BLUMENAUER, Ms. WASSERMAN SCHULTZ, Mr. BEYER, Ms. BLUNT ROCHESTER, Mr. RYAN of Ohio, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. SCOTT of Virginia, Mr. PETERS, Mrs. LAWRENCE, Mrs. DAVIS of California, Mr. GALLEGO, Mr. CASTRO of Texas, Mr. AGUILAR, Mr. FOSTER, Mr. HIMES, Mr. LEVIN, Mrs. MURPHY of Florida, Ms. KELLY of Illinois, Ms. MENG, Mr. RUIZ, Ms. BARRAGÁN, Mr. O'ROURKE, Mr. LAWSON of Florida, Ms. LOFGREN, Mr. HUFFMAN, Mr. MOULTON, Mr. PERLMUTTER, Mr. CAPUANO, Ms. CLARK of Massachusetts, Mr. POCAN, Mr. SOTO, Mr. BERA, Mr. SCHNEIDER, Ms. GABBARD, Mr. LARSON of Connecticut, Mr. KIND, Mr. BROWN of Maryland, Mr. TAKANO, Miss RICE of New York, Mr. CÁRDENAS, Mr. GRIJALVA, Mr. VEASEY, Mr. KILMER, Mr. LOEBSACK, Ms. SHEA-PORTER, Mr. NORCROSS, Mrs. WATSON COLEMAN, Mr. COOPER, Mr. VARGAS, Mr. JEFFRIES, Mrs. NAPOLITANO, Mr. ESPAILLAT, Mr. DELANEY, Mr. HOYER, Mrs. TORRES, Ms. TSONGAS, Ms. SINEMA, Mr. POLIS, Mr. GONZALEZ of Texas, Mr. DESAULNIER, Mrs. DINGELL, Mr. LOWENTHAL, Mr. O'HALLERAN, Mr. SWALWELL of California, Mr. YARMUTH, Mr. PAYNE, Mrs. BEATTY, Ms. KUSTER of New Hampshire, Mr. CARBAJAL, Mr. GOTTHEIMER, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Ms. ESTY of Connecticut, Ms. ADAMS, Mr. DAVID SCOTT of Georgia, Mr. SUOZZI, Mr. KILDEE, Mr. PANETTA, Mr. THOMPSON of California, Ms. PELOSI, Mr. TED LIEU of California, Mr. PALLONE, Mrs. DEMINGS, Mr. MICHAEL F. DOYLE of Pennsylvania, Ms. ESHOO, Mr. KIHUEN, Mr. MCEACHIN, Ms. JAYAPAL, Mr. NEAL, Mr. LEWIS of Georgia, Ms. ROSEN, Ms. HANABUSA, Mr. HECK, Mr. CRIST, Mr. RASKIN, Mr. KENNEDY, Mr. VELA, Mr. BRADY of Pennsylvania, Ms. CASTOR of Florida, Ms. CLARKE of New York, Mr. LANGEVIN, Mr. BUTTERFIELD, Mr. COSTA, Ms. ROYBAL-ALLARD, Mr. PRICE of North Carolina, Mr. NADLER, Ms. DEGETTE, Mr. LARSEN of Washington, Mr. DEFazio, Mr. CARSON of Indiana, Ms. NORTON, Mr. DANNY K. DAVIS of Illinois, Ms. PINGREE, Mr. CUMMINGS, Mr. SHERMAN, Ms. KAPTUR,

Ms. JACKSON LEE, Mr. RUSH, Ms. SEWELL of Alabama, Mr. PETERSON, Ms. ROS-LEHTINEN, Ms. MAXINE WATERS of California, Mr. BEN RAY LUJÁN of New Mexico, Mr. MEEKS, Mr. CONNOLLY, Mr. JOHNSON of Georgia, Ms. BASS, Ms. MOORE, Ms. MCCOLLUM, Mr. ELLISON, Mr. SMITH of Washington, Mr. MCNERNEY, Ms. LEE, Mr. LYNCH, Ms. VELÁZQUEZ, Mr. WELCH, Mr. DOGGETT, Mrs. CAROLYN B. MALONEY of New York, Ms. MATSUI, Mr. WALZ, Mr. VISCLOSKY, Ms. SÁNCHEZ, Mr. CLEAVER, Mr. SIRES, Mr. AL GREEN of Texas, Mr. COURTNEY, Mr. KEATING, Mr. HASTINGS, Mr. SERRANO, Mrs. LOWEY, Mr. NOLAN, Ms. SCHAKOWSKY, Mr. PASCRELL, Mr. SCHIFF, Mr. COHEN, Mr. BISHOP of Georgia, Mr. GUTIÉRREZ, Mr. SABLAN, Ms. DELAURO, Mr. RUPPERSBERGER, Ms. JUDY CHU of California, Mr. CONYERS, Mr. CLAY, Mr. SCHRADER, Mr. GARAMENDI, Ms. BORDALLO, Ms. DELBENE, Mr. SARBANES, Ms. WILSON of Florida, Mr. DEUTCH, Mr. QUIGLEY, Mr. HIGGINS of New York, Mr. ENGEL, Mr. TONKO, Ms. TITUS, Ms. SPEIER, Mr. THOMPSON of Mississippi, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SLAUGHTER, Mr. GENE GREEN of Texas, Mr. CLYBURN, Mr. CUELLAR, Ms. BONAMICI, Mr. KHANNA, Mr. KRISHNAMOORTHY, Ms. PLASKETT, and Mr. RICHMOND) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, Financial Services, Oversight and Government 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,*

3        **SECTION 1. SHORT TITLE.**

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

5        **SEC. 2. FINDINGS AND PURPOSE.**

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

7                (1) Discrimination can occur on the basis of the  
 8        sex, sexual orientation, gender identity, or preg-

1 nancy, childbirth, or a related medical condition of  
2 an individual, as well as because of sex-based stereo-  
3 types. Each of these factors alone can serve as the  
4 basis for discrimination, and each is a form of sex  
5 discrimination.

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

15 (3) Lesbian, gay, bisexual, and transgender (re-  
16 ferred to as “LGBT”) people commonly experience  
17 discrimination in securing access to public accom-  
18 modations—including restaurants, stores, places of  
19 or establishments that provide entertainment, and  
20 transportation. Forms of discrimination include the  
21 exclusion and denial of entry, unequal or unfair  
22 treatment, harassment, and violence. This discrimi-  
23 nation prevents the full participation of LGBT peo-  
24 ple in society and disrupts the free flow of com-  
25 merce.

1           (4) Women also face discrimination, in estab-  
2           lishments such as stores and restaurants, and places  
3           or establishments that provide other goods or serv-  
4           ices, such as entertainment or transportation, in-  
5           cluding sexual harassment, differential pricing, and  
6           denial of services because they are pregnant or  
7           breastfeeding.

8           (5) Regular and ongoing discrimination against  
9           LGBT people, as well as women, in accessing public  
10          accommodations contributes to negative social and  
11          economic outcomes.

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

18          (7) Both LGBT people and women face wide-  
19          spread discrimination in employment and various  
20          services, including by entities that receive Federal fi-  
21          nancial assistance. Such discrimination—

22                  (A) is particularly troubling and inappro-  
23                  priate for programs and services funded wholly  
24                  or in part by the Federal Government;

1 (B) undermines national progress toward  
2 equal treatment regardless of sex, sexual ori-  
3 entation, or gender identity; and

4 (C) is inconsistent with the constitutional  
5 principle of equal protection under the Four-  
6 teenth Amendment of the Constitution of the  
7 United States.

8 (8) Workers who are LGBT, or are perceived to  
9 be LGBT, have been subjected to a history and pat-  
10 tern of persistent, widespread, and pervasive dis-  
11 crimination on the bases of sexual orientation and  
12 gender identity by private sector employers and Fed-  
13 eral, State, and local government employers.

14 (9) Numerous provisions of Federal law ex-  
15 pressly prohibit discrimination on the basis of sex,  
16 and Federal agencies and courts have correctly in-  
17 terpreted these prohibitions on sex discrimination to  
18 include discrimination based on sexual orientation,  
19 gender identity, and sex stereotypes. In particular,  
20 the Equal Employment Opportunity Commission  
21 correctly interpreted title VII of the Civil Rights Act  
22 of 1964 in *Macy v. Holder*, *Baldwin v. Foxx*, and  
23 *Lusardi v. McHugh*.

24 (10) The absence of explicit prohibitions of dis-  
25 crimination on the basis of sexual orientation and

1 gender identity under Federal statutory law, as well  
2 as the existence of legislative proposals that would  
3 have provided such explicit prohibitions, has led  
4 some courts to conclude incorrectly that current  
5 Federal laws prohibiting sex discrimination do not  
6 prohibit discrimination on the basis of sexual ori-  
7 entation and gender identity. It has also created un-  
8 certainty for employers and other entities covered by  
9 Federal nondiscrimination laws and caused unneces-  
10 sary hardships for LGBT individuals.

11 (11) LGBT people often face discrimination  
12 when seeking to rent or purchase housing, as well as  
13 in every other aspect of obtaining and maintaining  
14 housing. LGBT people in same-sex relationships are  
15 often discriminated against when two names associ-  
16 ated with one gender appear on a housing applica-  
17 tion, and transgender people often encounter dis-  
18 crimination when credit checks or inquiries reveal a  
19 former name.

20 (12) National surveys, including a study com-  
21 missioned by the Department of Housing and Urban  
22 Development, show that housing discrimination  
23 against LGBT people is very prevalent. For in-  
24 stance, when same-sex couples inquire about housing  
25 that is available for rent, they are less likely to re-

1       ceive positive responses from landlords. According to  
2       other studies, transgender people have half the  
3       homeownership rate of non-transgender people and  
4       about 1 in 5 transgender people experience home-  
5       lessness.

6               (13) As a result of the absence of explicit prohi-  
7       bitions against discrimination on the basis of sexual  
8       orientation and gender identity, credit applicants  
9       who are LGBT, or perceived to be LGBT, have un-  
10      equal opportunities to establish credit. LGBT people  
11      can experience being denied a mortgage, credit card,  
12      student loan, or many other types of credit simply  
13      because of their sexual orientation or gender iden-  
14      tity.

15              (14) Numerous studies demonstrate that LGBT  
16      people, especially transgender people and women, are  
17      economically disadvantaged and at a higher risk for  
18      poverty compared with other groups of people.

19              (15) The right to an impartial jury of one's  
20      peers and the reciprocal right to jury service are  
21      fundamental to the free and democratic system of  
22      justice in the United States and are based in the  
23      Bill of Rights. There is, however, an unfortunate  
24      and long-documented history in the United States of  
25      attorneys discriminating against LGBT individuals,

1 or those perceived to be LGBT, in jury selection.  
2 Failure to bar peremptory challenges based on the  
3 actual or perceived sexual orientation or gender  
4 identity of an individual not only erodes a funda-  
5 mental right, duty, and obligation of being a citizen  
6 of the United States, but also unfairly creates a sec-  
7 ond class of citizenship for LGBT victims, witnesses,  
8 plaintiffs, and defendants.

9 (b) PURPOSE.—It is the purpose of this Act to ex-  
10 pand as well as clarify, confirm and create greater consist-  
11 ency in the protections against discrimination on the basis  
12 of all covered characteristics and to provide guidance and  
13 notice to individuals, organizations, corporations, and  
14 agencies regarding their obligations under the law.

15 **SEC. 3. PUBLIC ACCOMMODATIONS.**

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

19 (1) in subsection (a), by inserting “sex, sexual  
20 orientation, gender identity,” before “or national ori-  
21 gin”; and

22 (2) in subsection (b)—

23 (A) in paragraph (3), by striking “sta-  
24 dium” and all that follows and inserting “sta-  
25 dium or other place of or establishment that



1 provides exhibition, entertainment, recreation,  
2 exercise, amusement, gathering, or display;”;

3 (B) by redesignating paragraph (4) as  
4 paragraph (6); and

5 (C) by inserting after paragraph (3) the  
6 following:

7 “(4) any establishment that provides a good,  
8 service, or program, including a store, shopping cen-  
9 ter, online retailer or service provider, salon, bank,  
10 gas station, food bank, service or care center, shel-  
11 ter, travel agency, or funeral parlor, or establish-  
12 ment that provides health care, accounting, or legal  
13 services;

14 “(5) any train service, bus service, car service,  
15 taxi service, airline service, station, depot, or other  
16 place of or establishment that provides transpor-  
17 tation service; and”.

18 (b) PROHIBITION ON DISCRIMINATION OR SEGREGA-  
19 TION UNDER LAW.—Section 202 of such Act (42 U.S.C.  
20 2000a–1) is amended by inserting “sex, sexual orienta-  
21 tion, gender identity,” before “or national origin”.

22 (c) RULE OF CONSTRUCTION.—Title II of such Act  
23 (42 U.S.C. 2000a et seq.) is amended by adding at the  
24 end the following:

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

2 “A reference in this title to an establishment—

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

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

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

9 Section 301(a) of the Civil Rights Act of 1964 (42  
10 U.S.C. 2000b(a)) is amended by inserting “sex, sexual ori-  
11 entation, gender identity,” before “or national origin”.

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

13 (a) DEFINITIONS.—Section 401(b) of the Civil Rights  
14 Act of 1964 (42 U.S.C. 2000c(b)) is amended by inserting  
15 “, sexual orientation, gender identity,” before “or national  
16 origin”.

17 (b) CIVIL ACTIONS BY THE ATTORNEY GENERAL.—  
18 Section 407 of such Act (42 U.S.C. 2000c–6) is amended,  
19 in subsection (a)(2), by inserting “, sexual orientation,  
20 gender identity,” before “or national origin”.

21 (c) CLASSIFICATION AND ASSIGNMENT.—Section 410  
22 of such Act (42 U.S.C. 2000c–9) is amended by inserting  
23 “, sexual orientation, gender identity,” before “or national  
24 origin”.

1 **SEC. 6. FEDERAL FUNDING.**

2 Section 601 of the Civil Rights Act of 1964 (42  
3 U.S.C. 2000d) is amended by inserting “sex, sexual ori-  
4 entation, gender identity,” before “or national origin,”.

5 **SEC. 7. EMPLOYMENT.**

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

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

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

14 (b) **UNLAWFUL EMPLOYMENT PRACTICES.**—Section  
15 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–  
16 2) is amended—

17 (1) in the section header, by striking “SEX,”  
18 and inserting “SEX, SEXUAL ORIENTATION, GENDER  
19 IDENTITY,”;

20 (2) except in subsection (e), by striking “sex,”  
21 each place it appears and inserting “sex, sexual ori-  
22 entation, gender identity,”;

23 (3) in subsection (e)(1), by striking “enter-  
24 prise,” and inserting “enterprise, if, in a situation in  
25 which sex is a bona fide occupational qualification,

1 individuals are recognized as qualified in accordance  
2 with their gender identity,”; and

3 (4) in subsection (h), by striking “sex” the sec-  
4 ond place it appears and inserting “sex, sexual ori-  
5 entation, gender identity,”.

6 (c) OTHER UNLAWFUL EMPLOYMENT PRACTICES.—  
7 Section 704(b) of the Civil Rights Act of 1964 (42 U.S.C.  
8 2000e–3(b)) is amended—

9 (1) by striking “sex,” the first place it appears  
10 and inserting “sex, sexual orientation, gender iden-  
11 tity,”; and

12 (2) by striking “employment.” and inserting  
13 “employment, if, in a situation in which sex is a  
14 bona fide occupational qualification, individuals are  
15 recognized as qualified in accordance with their gen-  
16 der identity.”.

17 (d) CLAIMS.—Section 706(g)(2)(A) of the Civil  
18 Rights Act of 1964 (2000e–5(g)(2)(A)) is amended by  
19 striking “sex,” and inserting “sex, sexual orientation, gen-  
20 der identity,”.

21 (e) EMPLOYMENT BY FEDERAL GOVERNMENT.—Sec-  
22 tion 717 of the Civil Rights Act of 1964 (42 U.S.C.  
23 2000e–16) is amended—

1 (1) in subsection (a), by striking “sex,” and in-  
2 serting “sex, sexual orientation, gender identity,”;  
3 and

4 (2) in subsection (c), by striking “sex” and in-  
5 serting “sex, sexual orientation, gender identity,”.

6 (f) GOVERNMENT EMPLOYEE RIGHTS ACT OF  
7 1991.—The Government Employee Rights Act of 1991  
8 (42 U.S.C. 2000e–16a et seq.) is amended—

9 (1) in section 301(b), by striking “sex,” and in-  
10 serting “sex, sexual orientation, gender identity,”;

11 (2) in section 302(a)(1), by striking “sex,” and  
12 inserting “sex, sexual orientation, gender identity,”;

13 and

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

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

16 “Sections 1101(b), 1106, and 1107 of the Civil  
17 Rights Act of 1964 shall apply to this title except that  
18 for purposes of that application, a reference in that section  
19 1106 to ‘race, color, religion, sex, sexual orientation, gen-  
20 der identity, or national origin’ shall be considered to be  
21 a reference to ‘race, color, religion, sex, sexual orientation,  
22 gender identity, national origin, age, or disability’.”.

23 (g) CONGRESSIONAL ACCOUNTABILITY ACT OF  
24 1995.—The Congressional Accountability Act of 1995 (2  
25 U.S.C. 1301 et seq.) is amended—

1 (1) in section 201(a)(1) (2 U.S.C. 1311(a)(1))  
2 by inserting “sexual orientation, gender identity,”  
3 before “or national origin,”; and

4 (2) by adding at the end of title II (42 U.S.C.  
5 1311 et seq.) the following:

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

7 “Sections 1101(b), 1106, and 1107 of the Civil  
8 Rights Act of 1964 shall apply to section 201 (and reme-  
9 dial provisions of this Act related to section 201) except  
10 that for purposes of that application, a reference in that  
11 section 1106 to ‘race, color, religion, sex, sexual orienta-  
12 tion, gender identity, or national origin’ shall be consid-  
13 ered to be a reference to ‘race, color, religion, sex, sexual  
14 orientation, gender identity, national origin, age, or dis-  
15 ability’.”.

16 (h) CIVIL SERVICE REFORM ACT OF 1978.—Chapter  
17 23 of title 5, United States Code, is amended—

18 (1) in section 2301(b)(2), by striking “sex,”  
19 and inserting “sex, sexual orientation, gender iden-  
20 tity,”;

21 (2) in section 2302—

22 (A) in subsection (b)(1)(A), by inserting  
23 “sexual orientation, gender identity,” before “or  
24 national origin,”; and

1 (B) in subsection (d)(1), by inserting “sex-  
2 ual orientation, gender identity,” before “or na-  
3 tional origin;”; and

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

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

6 “Sections 1101(b), 1106, and 1107 of the Civil  
7 Rights Act of 1964 shall apply to this chapter (and reme-  
8 dial provisions of this title related to this chapter) except  
9 that for purposes of that application, a reference in that  
10 section 1106 to ‘race, color, religion, sex, sexual orienta-  
11 tion, gender identity, or national origin’ shall be consid-  
12 ered to be a reference to ‘race, color, religion, sex, sexual  
13 orientation, gender identity, national origin, age, a handi-  
14 capping condition, marital status, or political affiliation’.”.

15 **SEC. 8. INTERVENTION.**

16 Section 902 of the Civil Rights Act of 1964 (42  
17 U.S.C. 2000h–2) is amended by inserting “, sexual ori-  
18 entation, gender identity,” before “or national origin,”.

19 **SEC. 9. MISCELLANEOUS.**

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

21 (1) by redesignating sections 1101 through  
22 1104 (42 U.S.C. 2000h et seq.) and sections 1105  
23 and 1106 (42 U.S.C. 2000h–5, 2000h–6) as sections  
24 1102 through 1105 and sections 1108 and 1109, re-  
25 spectively;

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

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

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

7           “(1) RACE; COLOR; RELIGION; SEX; SEXUAL  
8           ORIENTATION; GENDER IDENTITY; NATIONAL ORI-  
9           GIN.—The term ‘race’, ‘color’, ‘religion’, ‘sex’, ‘sex-  
10          ual orientation’, ‘gender identity’, or ‘national ori-  
11          gin’, used with respect to an individual, includes—

12                   “(A) the race, color, religion, sex, sexual  
13                   orientation, gender identity, or national origin,  
14                   respectively, of another person with whom the  
15                   individual is associated or has been associated;  
16                   and

17                   “(B) a perception or belief, even if inac-  
18                   curate, concerning the race, color, religion, sex,  
19                   sexual orientation, gender identity, or national  
20                   origin, respectively, of the individual.

21           “(2) GENDER IDENTITY.—The term ‘gender  
22           identity’ means the gender-related identity, appear-  
23           ance, mannerisms, or other gender-related character-  
24           istics of an individual, regardless of the individual’s  
25           designated sex at birth.



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

4           “(4) SEX.—The term ‘sex’ includes—

5                 “(A) a sex stereotype;

6                 “(B) pregnancy, childbirth, or a related  
7 medical condition; and

8                 “(C) sexual orientation or gender identity.

9           “(5) SEXUAL ORIENTATION.—The term ‘sexual  
10 orientation’ means homosexuality, heterosexuality, or  
11 bisexuality.

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

14                 “(1) (with respect to sex) pregnancy, childbirth,  
15 or a related medical condition shall not receive less  
16 favorable treatment than other physical conditions;  
17 and

18                 “(2) (with respect to gender identity) an indi-  
19 vidual shall not be denied access to a shared facility,  
20 including a restroom, a locker room, and a dressing  
21 room, that is in accordance with the individual’s  
22 gender identity.”; and

23                 (3) by inserting after section 1105 the fol-  
24 lowing:

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

2 “(a) SEX.—Nothing in section 1101 or the provisions  
3 of a covered title incorporating a term defined or a rule  
4 specified in that section shall be construed—

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

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

13 “(b) CLAIMS AND REMEDIES NOT PRECLUDED.—  
14 Nothing in section 1101 or a covered title shall be con-  
15 strued to limit the claims or remedies available to any indi-  
16 vidual for an unlawful practice on the basis of race, color,  
17 religion, sex, sexual orientation, gender identity, or na-  
18 tional origin including claims brought pursuant to section  
19 1979 or 1980 of the Revised Statutes (42 U.S.C. 1983,  
20 1985) or any other law, including a Federal law amended  
21 by the Equality Act, regulation, or policy.

22 “(c) NO NEGATIVE INFERENCE.—Nothing in section  
23 1101 or a covered title shall be construed to support any  
24 inference that any Federal law prohibiting a practice on  
25 the basis of sex does not prohibit discrimination on the  
26 basis of pregnancy, childbirth, or a related medical condi-

1 tion, sexual orientation, gender identity, or a sex stereo-  
2 type.

3 **“SEC. 1107. CLAIMS.**

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

9 **SEC. 10. HOUSING.**

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

12 (1) in section 802, by adding at the end the fol-  
13 lowing:

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

17 “(q) ‘Race’, ‘color’, ‘religion’, ‘sex’, ‘sexual orienta-  
18 tion’, ‘gender identity’, ‘handicap’, ‘familial status’, or ‘na-  
19 tional origin’, used with respect to an individual, in-  
20 cludes—

21 “(1) the race, color, religion, sex, sexual ori-  
22 entation, gender identity, handicap, familial status,  
23 or national origin, respectively, of another person  
24 with whom the individual is associated or has been  
25 associated; and

1           “(2) a perception or belief, even if inaccurate,  
2           concerning the race, color, religion, sex, sexual ori-  
3           entation, gender identity, handicap, familial status,  
4           or national origin, respectively, of the individual.”;

5           (2) in section 804, by inserting “sexual orienta-  
6           tion, gender identity,” after “sex,” each place that  
7           term appears;

8           (3) in section 805, by inserting “sexual orienta-  
9           tion, gender identity,” after “sex,” each place that  
10          term appears;

11          (4) in section 806, by inserting “sexual orienta-  
12          tion, gender identity,” after “sex,”;

13          (5) in section 808(e)(6), by inserting “sexual  
14          orientation, gender identity,” after “sex,”; and

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

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

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

22 **“SEC. 822. CLAIMS.**

23          “Section 1107 of the Civil Rights Act of 1964 shall  
24          apply to this title and section 901, except that for pur-  
25          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 “sexual orienta-  
6 tion (as such term is defined in section 802 of this Act),  
7 gender identity (as such term is defined in section 802  
8 of this Act),” after “sex,” each place that term appears.

9 **SEC. 11. EQUAL CREDIT OPPORTUNITY.**

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

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

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

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

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

23 “(g) The term ‘race’, ‘color’, ‘religion’, ‘national ori-  
24 gin’, ‘sex’, ‘sexual orientation’, ‘gender identity’, ‘marital

1 status’, or ‘age’, used with respect to an individual, in-  
2 cludes—

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

8 “(2) a perception or belief, even if inaccurate,  
9 concerning the race, color, religion, national origin,  
10 sex, sexual orientation, gender identity, marital sta-  
11 tus, or age, respectively, of the individual.”; and

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

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

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

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

22 (c) RELATION TO STATE LAWS.—Section 705(a) of  
23 the Equal Credit Opportunity Act (15 U.S.C. 1691d(a))  
24 is amended by inserting “, sexual orientation, gender iden-  
25 tity,” after “sex”.

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

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

8 **SEC. 12. JURIES.**

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

11 (1) in section 1862, by inserting “sexual ori-  
12 entation, gender identity,” after “sex,”;

13 (2) in section 1867(e), in the second sentence,  
14 by inserting “sexual orientation, gender identity,”  
15 after “sex,”;

16 (3) in section 1869—

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

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

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

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

1 “(m) ‘race’, ‘color’, ‘religion’, ‘sex’, ‘sexual orienta-  
 2 tion’, ‘gender identity’, ‘economic status’, or ‘national ori-  
 3 gin’, used with respect to an individual, includes—

4 “(1) the race, color, religion, sex, sexual ori-  
 5 entation, gender identity, economic status, or na-  
 6 tional origin, respectively, of another person with  
 7 whom the individual is associated or has been associ-  
 8 ated; and

9 “(2) a perception or belief, even if inaccurate,  
 10 concerning the race, color, religion, sex, sexual ori-  
 11 entation, gender identity, economic status, or na-  
 12 tional origin, respectively, of the individual.”; and

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

14 **“§ 1879. Rules of construction and claims**

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

20 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
 21 The table of sections for chapter 121 of title 28, United  
 22 States Code, is amended by adding at the end the fol-  
 23 lowing:

“1879. Rules of construction and claims.”.

