

114TH CONGRESS
1ST SESSION

H. R. 3185

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

IN THE HOUSE OF REPRESENTATIVES

JULY 23, 2015

Mr. CICILLINE (for himself, Mr. POLIS, Mr. SEAN PATRICK MALONEY of New York, Mr. POCAN, Mr. TAKANO, Ms. SINEMA, Mr. AGUILAR, Mr. ASHFORD, Ms. BASS, Mr. BECERRA, Mr. BERA, Mr. BEYER, Mr. BLUMENAUER, Ms. BONAMICI, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. BROWNLEY of California, Mrs. BUSTOS, Mrs. CAPPS, Mr. CAPUANO, Mr. CÁRDENAS, Mr. CARNEY, Mr. CARSON of Indiana, Mr. CARTWRIGHT, Ms. CASTOR of Florida, Mr. CASTRO of Texas, Ms. JUDY CHU of California, Ms. CLARK of Massachusetts, Mr. CLEAVER, Mr. COOPER, Mr. CONNOLLY, Mr. CONYERS, Mr. COURTNEY, Mr. CROWLEY, Mr. CUMMINGS, Mr. DANNY K. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELANEY, Ms. DELAURO, Ms. DELBENE, Mr. DESAULNIER, Mr. DEUTCH, Mrs. DINGELL, Ms. EDWARDS, Mr. ELLISON, Mr. ENGEL, Ms. ESHOO, Ms. ESTY, Mr. FARR, Mr. FATTAH, Mr. FOSTER, Ms. FRANKEL of Florida, Ms. GABBARD, Mr. GALLEGRO, Mr. GARAMENDI, Mr. GRAYSON, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. GUTIÉRREZ, Ms. HAHN, Mr. HASTINGS, Mr. HECK of Washington, Mr. HIGGINS, Mr. HINOJOSA, Ms. NORTON, Mr. HONDA, Mr. HOYER, Mr. HUFFMAN, Mr. ISRAEL, Ms. JACKSON LEE, Mr. JEFFRIES, Ms. KAPTUR, Mr. HIMES, Mr. JOHNSON of Georgia, Mr. KEATING, Ms. KELLY of Illinois, Mr. KENNEDY, Mr. KILDEE, Mr. KILMER, Ms. KUSTER, Mr. LANGEVIN, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEVIN, Mr. LEWIS, Mr. TED LIEU of California, Mr. LOEBSACK, Ms. LOFGREN, Mr. LOWENTHAL, Mrs. LOWEY, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. BEN RAY LUJÁN of New Mexico, Mr. LYNCH, Mrs. CAROLYN B. MALONEY of New York, Ms. MATSUI, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNERNEY, Mr. MEEKS, Ms. MENG, Mr. MOULTON, Mr. MURPHY of Florida, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL, Mr. NOLAN, Mr. NORCROSS, Mr. O’ROURKE, Mr. PALONE, Mr. PASCRELL, Ms. PELOSI, Mr. PETERS, Ms. PINGREE, Mr. PRICE of North Carolina, Mr. QUIGLEY, Miss RICE of New York, Ms. ROYBAL-ALLARD, Mr. RUIZ, Mr. RUSH, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCHRADER, Mr. SCOTT

of Virginia, Mr. SERRANO, Mr. SHERMAN, Mr. SIRES, Ms. SLAUGHTER, Mr. SMITH of Washington, Ms. SPEIER, Mr. SWALWELL of California, Mr. TAKAI, Mr. THOMPSON of California, Mr. TONKO, Mrs. TORRES, Ms. TSONGAS, Mr. VAN HOLLEN, Mr. VARGAS, Mr. VEASEY, Ms. VELÁZQUEZ, Mr. WALZ, Ms. WASSERMAN SCHULTZ, Mrs. WATSON COLEMAN, Mr. WELCH, Ms. WILSON of Florida, Mr. YARMUTH, Mr. COHEN, Mr. MICHAEL F. DOYLE of Pennsylvania, Mrs. KIRKPATRICK, Mr. LARSEN of Washington, Mr. RUPPERSBERGER, Mr. VELA, Ms. DUCKWORTH, Mr. DOGGETT, Mr. RANGEL, Mr. BRADY of Pennsylvania, Ms. TITUS, Mrs. BEATTY, Mr. PAYNE, Mrs. LAWRENCE, and Ms. SEWELL of Alabama) 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

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.**

6 Congress finds the following:

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

1 basis for discrimination, and each is a form of sex
2 discrimination.

3 (2) A single instance of discrimination may
4 have more than 1 basis. For example, discrimination
5 against a married same-sex couple could be based on
6 the sex stereotype that marriage should only be be-
7 tween heterosexual couples, the sexual orientation of
8 the 2 individuals in the couple, or both. Discrimina-
9 tion against a pregnant lesbian could be based on
10 her sex, her sexual orientation, her pregnancy, or on
11 the basis of multiple factors.

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

23 (4) Women also face discrimination, in estab-
24 lishments such as stores and restaurants, and places
25 or establishments that provide other goods or serv-

1 ices, such as entertainment or transportation, in-
2 cluding sexual harassment, differential pricing, and
3 denial of services because they are pregnant or
4 breastfeeding.

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

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

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

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

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

23 (7) Workers who are LGBT, or are perceived to
24 be LGBT, have been subjected to a history and pat-
25 tern of persistent, widespread, and pervasive dis-

1 crimination on the bases of sexual orientation and
2 gender identity by private sector employers and Fed-
3 eral, State, and local government employers.

4 (8) 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 has
11 explicitly interpreted sex discrimination to include
12 sexual orientation and gender identity.

13 (9) The absence of explicit prohibitions of dis-
14 crimination on the basis of sexual orientation and
15 gender identity under Federal statutory law, as well
16 as some conflicting case law on how broadly sex dis-
17 crimination provisions apply, has created uncertainty
18 for employers and other entities covered by these
19 laws. This lack of clear coverage also causes unnec-
20 essary hardships for LGBT people.

21 (10) LGBT people often face discrimination
22 when seeking to rent or purchase housing, as well as
23 in every other aspect of obtaining and maintaining
24 housing. LGBT people in same-sex relationships are
25 often discriminated against when 2 names associated

1 with 1 gender appear on a housing application, and
2 transgender people often encounter discrimination
3 when credit checks or inquiries reveal a former
4 name.

5 (11) National surveys, including a study com-
6 missioned by the Department of Housing and Urban
7 Development, show that housing discrimination
8 against LGBT people is very prevalent. For in-
9 stance, when same-sex couples inquire about housing
10 that is available for rent, they are less likely to re-
11 ceive positive responses from landlords. According to
12 other studies, transgender people have half the
13 homeownership rate of non-transgender people and
14 about 1 in 5 transgender people experience home-
15 lessness.

16 (12) As a result of the absence of explicit prohi-
17 bitions against discrimination on the basis of sexual
18 orientation and gender identity, credit applicants
19 who are LGBT, or perceived to be LGBT, have un-
20 equal opportunities to establish credit. LGBT people
21 can experience being denied a mortgage, credit card,
22 student loan, or many other types of credit simply
23 because of their sexual orientation or gender iden-
24 tity.

1 (13) Numerous studies demonstrate that LGBT
2 people, especially transgender people and women, are
3 economically disadvantaged and at a higher risk for
4 poverty compared with other groups of people.

5 (14) The right to an impartial jury of one's
6 peers and the reciprocal right to jury service are
7 fundamental to the free and democratic system of
8 justice in the United States and are based in the
9 Bill of Rights. There is, however, an unfortunate
10 and long-documented history in the United States of
11 attorneys discriminating against LGBT individuals,
12 or those perceived to be LGBT, in jury selection.
13 Failure to bar peremptory challenges based on the
14 actual or perceived sexual orientation or gender
15 identity of an individual not only erodes a funda-
16 mental right, duty, and obligation of being a citizen
17 of the United States, but also unfairly creates a sec-
18 ond class of citizenship for LGBT victims, witnesses,
19 plaintiffs, and defendants.

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, sexual
2 orientation, gender identity,” before “or national ori-
3 gin”; 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, sexual orienta-
4 tion, gender identity,” before “or national origin”.

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

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

9 “A reference in this title to an establishment—

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

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

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

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

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

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

24 (b) CIVIL ACTIONS BY THE ATTORNEY GENERAL.—
25 Section 407 of such Act (42 U.S.C. 2000c–6) is amended,

1 in subsection (a)(2), by inserting “, sexual orientation,
2 gender identity,” before “or national origin”.

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

7 **SEC. 6. FEDERAL FUNDING.**

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

11 **SEC. 7. EMPLOYMENT.**

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

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

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

20 (b) UNLAWFUL EMPLOYMENT PRACTICES.—Section
21 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–
22 2) is amended—

23 (1) in the section header, by striking “SEX,”
24 and inserting “SEX, SEXUAL ORIENTATION, GENDER
25 IDENTITY,”;

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

4 (3) in subsection (e)(1), by striking “enter-
5 prise,” and inserting “enterprise, if, in a situation in
6 which sex is a bona fide occupational qualification,
7 individuals are recognized as qualified in accordance
8 with their gender identity,”; and

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

12 (c) OTHER UNLAWFUL EMPLOYMENT PRACTICES.—
13 Section 704(b) of the Civil Rights Act of 1964 (42 U.S.C.
14 2000e-3(b)) is amended—

15 (1) by striking “sex,” the first place it appears
16 and inserting “sex, sexual orientation, gender iden-
17 tity,”; and

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

23 (d) CLAIMS.—Section 706(g)(2)(A) of the Civil
24 Rights Act of 1964 (2000e-5(g)(2)(A)) is amended by

1 striking “sex,” and inserting “sex, sexual orientation, gen-
2 der identity,”.

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

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

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

11 (f) GOVERNMENT EMPLOYEE RIGHTS ACT OF
12 1991.—The Government Employee Rights Act of 1991
13 (42 U.S.C. 2000e–16a et seq.) is amended—

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

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

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

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

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

1 a reference to ‘race, color, religion, sex, sexual orientation,
2 gender identity, national origin, age, or disability’.”.

3 (g) CONGRESSIONAL ACCOUNTABILITY ACT OF
4 1995.—The Congressional Accountability Act of 1995 (2
5 U.S.C. 1301 et seq.) is amended—

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

9 (2) by adding at the end of title II (42 U.S.C.
10 1311 et seq.) the following:

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

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

21 (h) CIVIL SERVICE REFORM ACT OF 1978.—Chapter
22 23 of title 5, United States Code, is amended—

23 (1) in section 2301(b)(2), by striking “sex,”
24 and inserting “sex, sexual orientation, gender iden-
25 tity,”;

1 (2) in section 2302—

2 (A) in subsection (b)(1)(A), by inserting
3 “sexual orientation, gender identity,” before “or
4 national origin,”; and

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

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

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

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

19 **SEC. 8. INTERVENTION.**

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

23 **SEC. 9. MISCELLANEOUS.**

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

1 (1) by redesignating sections 1101 through
2 1104 (42 U.S.C. 2000h et seq.) and sections 1105
3 and 1106 (42 U.S.C. 2000h–5, 2000h–6) as sections
4 1102 through 1105 and sections 1108 and 1109, re-
5 spectively;

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

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

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

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

17 “(A) the race, color, religion, sex, sexual
18 orientation, gender identity, or national origin,
19 respectively, of another person with whom the
20 individual is associated or has been associated;
21 and

22 “(B) a perception or belief, even if inac-
23 curate, concerning the race, color, religion, sex,
24 sexual orientation, gender identity, or national
25 origin, respectively, of the individual.

1 “(2) GENDER IDENTITY.—The term ‘gender
2 identity’ means the gender-related identity, appear-
3 ance, mannerisms, or other gender-related character-
4 istics of an individual, regardless of the individual’s
5 designated sex at birth.

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

9 “(4) SEX.—The term ‘sex’ includes—

10 “(A) a sex stereotype;

11 “(B) pregnancy, childbirth, or a related
12 medical condition; and

13 “(C) sexual orientation or gender identity.

14 “(5) SEXUAL ORIENTATION.—The term ‘sexual
15 orientation’ means homosexuality, heterosexuality, or
16 bisexuality.

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

19 “(1) (with respect to sex) pregnancy, childbirth,
20 or a related medical condition shall not receive less
21 favorable treatment than other physical conditions;
22 and

23 “(2) (with respect to gender identity) an indi-
24 vidual shall not be denied access to a shared facility,
25 including a restroom, a locker room, and a dressing

1 room, that is in accordance with the individual’s
2 gender identity.”; and

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

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

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

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

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

17 “(b) CLAIMS AND REMEDIES NOT PRECLUDED.—
18 Nothing in section 1101 or a covered title shall be con-
19 strued to limit the claims or remedies available to any indi-
20 vidual for an unlawful practice on the basis of race, color,
21 religion, sex, sexual orientation, gender identity, or na-
22 tional origin including claims brought pursuant to section
23 1979 or 1980 of the Revised Statutes (42 U.S.C. 1983,
24 1985) or any other law, including a Federal law amended
25 by the Equality Act, regulation, or policy.

1 “(c) NO NEGATIVE INFERENCE.—Nothing in section
2 1101 or a covered title shall be construed to support any
3 inference that any Federal law prohibiting a practice on
4 the basis of sex does not prohibit discrimination on the
5 basis of pregnancy, childbirth, or a related medical condi-
6 tion, sexual orientation, gender identity, or a sex stereo-
7 type.

8 **“SEC. 1107. CLAIMS.**

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

14 **SEC. 10. HOUSING.**

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

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

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

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

1 “(1) the race, color, religion, sex, sexual ori-
2 entation, gender identity, handicap, familial status,
3 or national origin, respectively, of another person
4 with whom the individual is associated or has been
5 associated; and

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

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

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

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

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

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

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

22 “Sections 1101(b) and 1106 of the Civil Rights Act
23 of 1964 shall apply to this title and section 901, except
24 that for purposes of that application, a reference in that

1 section 1101(b) or 1106 to a ‘covered title’ shall be consid-
2 ered a reference to ‘this title and section 901’.

3 **“SEC. 822. CLAIMS.**

4 “Section 1107 of the Civil Rights Act of 1964 shall
5 apply to this title and section 901, except that for pur-
6 poses of that application, a reference in that section 1107
7 to a ‘covered title’ shall be considered a reference to ‘this
8 title and section 901’.”.

9 (b) PREVENTION OF INTIMIDATION IN FAIR HOUS-
10 ING CASES.—Section 901 of the Civil Rights Act of 1968
11 (42 U.S.C. 3631) is amended by inserting “sexual orienta-
12 tion (as such term is defined in section 802 of this Act),
13 gender identity (as such term is defined in section 802
14 of this Act),” after “sex,” each place that term appears.

15 **SEC. 11. EQUAL CREDIT OPPORTUNITY.**

16 (a) PROHIBITED DISCRIMINATION.—Section
17 701(a)(1) of the Equal Credit Opportunity Act (15 U.S.C.
18 1691(a)(1)) is amended by inserting “sexual orientation,
19 gender identity,” after “status,”.

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

22 (1) by redesignating subsections (f) and (g) as
23 subsections (h) and (i), respectively;

24 (2) by inserting after subsection (e) the fol-
25 lowing:

1 “(f) The terms ‘gender identity’, ‘sex’, and ‘sexual
2 orientation’ have the meanings given those terms in sec-
3 tion 1101(a) of the Civil Rights Act of 1964 (42 U.S.C.
4 2000e).

5 “(g) The term ‘race’, ‘color’, ‘religion’, ‘national ori-
6 gin’, ‘sex’, ‘sexual orientation’, ‘gender identity’, ‘marital
7 status’, or ‘age’, used with respect to an individual, in-
8 cludes—

9 “(1) the race, color, religion, national origin,
10 sex, sexual orientation, gender identity, marital sta-
11 tus, or age, respectively, of another person with
12 whom the individual is associated or has been associ-
13 ated; and

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

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

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

22 “(1) a reference in those sections to a ‘covered
23 title’ shall be considered a reference to ‘this title’;
24 and

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

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

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

11 “(1) Section 1107 of the Civil Rights Act of 1964
12 shall apply to this title, except that for purposes of that
13 application, a reference in that section to a ‘covered title’
14 shall be considered a reference to ‘this title’.”.

15 **SEC. 12. JURIES.**

16 (a) **IN GENERAL.**—Chapter 121 of title 28, United
17 States Code, is amended—

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

20 (2) in section 1867(e), in the second sentence,
21 by inserting “sexual orientation, gender identity,”
22 after “sex,”;

23 (3) in section 1869—

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

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

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

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

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

10 “(1) the race, color, religion, sex, sexual ori-
11 entation, gender identity, economic status, or na-
12 tional origin, respectively, of another person with
13 whom the individual is associated or has been associ-
14 ated; and

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

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

20 **“§ 1879. Rules of construction and claims**

21 “Sections 1101(b), 1106, and 1107 of the Civil
22 Rights Act of 1964 shall apply to this chapter, except that
23 for purposes of that application, a reference in those sec-
24 tions to a ‘covered title’ shall be considered a reference
25 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.”.

