

117TH CONGRESS  
1ST SESSION

# H. R. 6085

To amend the Fair Labor Standards Act of 1938 to provide that sex includes sexual orientation and gender identity, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 30, 2021

Mr. BROWN of Maryland (for himself, Mr. HIGGINS of New York, Mr. KILDEE, Mrs. CAROLYN B. MALONEY of New York, Mr. MOULTON, Ms. ROYBAL-ALLARD, and Mr. TONKO) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To amend the Fair Labor Standards Act of 1938 to provide that sex includes sexual orientation and gender identity, 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 “Fair Pay for All Act  
5 of 2021”.

1 **SEC. 2. SEX TO INCLUDE SEXUAL ORIENTATION AND GEN-**  
2 **DER IDENTITY.**

3 (a) IN GENERAL.—Section 3 of the Fair Labor  
4 Standards Act of 1938 (29 U.S.C. 203) is amended by  
5 adding at the end the following:

6 “(t)(1) ‘Sex’ includes—

7 “(A) a sex stereotype;

8 “(B) pregnancy, childbirth, or a related medical  
9 condition;

10 “(C) sexual orientation or gender identity; and

11 “(D) sex characteristics, including intersex  
12 traits.

13 “(2) ‘Sexual orientation’ includes homosexuality, het-  
14 erosexuality, and bisexuality.

15 “(3) ‘Gender identity’ means the gender-related iden-  
16 tity, appearance, mannerisms, or other gender-related  
17 characteristics of an individual, regardless of the individ-  
18 ual’s designated sex at birth.”.

19 (b) SEX-BASED DISCRIMINATION.—Section 6(d)(1)  
20 of the Fair Labor Standards Act of 1938 (29 U.S.C.  
21 206(d)(1)) is amended by striking “opposite” and insert-  
22 ing “another”.

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