

114TH CONGRESS
1ST SESSION

S. 1858

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

IN THE SENATE OF THE UNITED STATES

JULY 23, 2015

Mr. MERKLEY (for himself, Ms. BALDWIN, Mr. BOOKER, Mr. BENNET, Mr. BLUMENTHAL, Mrs. BOXER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. COONS, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HEINRICH, Ms. HIRONO, Mr. KAINE, Mr. KING, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MARKEY, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Mr. MURPHY, Mrs. MURRAY, Mr. PETERS, Mr. REED, Mr. REID, Mr. SANDERS, Mr. SCHATZ, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. UDALL, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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:

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

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

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

1 ple in society and disrupts the free flow of com-
2 merce.

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

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

14 (6) Both LGBT people and women face wide-
15 spread discrimination in employment and various
16 services, including by entities that receive Federal fi-
17 nancial assistance. Such discrimination—

18 (A) is particularly troubling and inappro-
19 priate for programs and services funded wholly
20 or in part by the Federal Government;

21 (B) undermines national progress toward
22 equal treatment regardless of sex, sexual ori-
23 entation, or gender identity; and

24 (C) is inconsistent with the constitutional
25 principle of equal protection under the Four-

1 tenth Amendment of the Constitution of the
2 United States.

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

9 (8) Numerous provisions of Federal law ex-
10 pressly prohibit discrimination on the basis of sex,
11 and Federal agencies and courts have correctly in-
12 terpreted these prohibitions on sex discrimination to
13 include discrimination based on sexual orientation,
14 gender identity, and sex stereotypes. In particular,
15 the Equal Employment Opportunity Commission has
16 explicitly interpreted sex discrimination to include
17 sexual orientation and gender identity.

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

1 (10) 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 2 names associated
6 with 1 gender appear on a housing application, and
7 transgender people often encounter discrimination
8 when credit checks or inquiries reveal a former
9 name.

10 (11) 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. According to
17 other studies, transgender people have half the
18 homeownership rate of non-transgender people and
19 about 1 in 5 transgender people experience home-
20 lessness.

21 (12) As a result of the absence of explicit prohi-
22 bitions against discrimination on the basis of sexual
23 orientation and gender identity, credit applicants
24 who are LGBT, or perceived to be LGBT, have un-
25 equal opportunities to establish credit. LGBT people

1 can experience being denied a mortgage, credit card,
2 student loan, or many other types of credit simply
3 because of their sexual orientation or gender iden-
4 tity.

5 (13) Numerous studies demonstrate that LGBT
6 people, especially transgender people and women, are
7 economically disadvantaged and at a higher risk for
8 poverty compared with other groups of people.

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

1 **SEC. 3. PUBLIC ACCOMMODATIONS.**

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

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

8 (2) in subsection (b)—

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

14 (B) by redesignating paragraph (4) as
15 paragraph (6); and

16 (C) by inserting after paragraph (3) the
17 following:

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

25 “(5) any train service, bus service, car service,
26 taxi service, airline service, station, depot, or other

1 place of or establishment that provides transpor-
 2 tation service; and”.

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

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

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

11 “A reference in this title to an establishment—

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

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

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

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

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

9 **SEC. 6. FEDERAL FUNDING.**

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

13 **SEC. 7. EMPLOYMENT.**

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

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

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

22 (b) UNLAWFUL EMPLOYMENT PRACTICES.—Section
23 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–
24 2) is amended—

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

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

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

12 (4) in subsection (h), by striking “sex” the sec-
13 ond place it appears and inserting “sex, sexual ori-
14 entation, 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, sexual orientation, gender iden-
20 tity,”; 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, sexual orientation, gen-
4 der 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, sexual orientation, gender identity,”;
10 and

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

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

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

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

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

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

23 “Sections 1101(b), 1106, and 1107 of the Civil
24 Rights Act of 1964 shall apply to this title except that
25 for purposes of that application, a reference in that section

1 1106 to ‘race, color, religion, sex, sexual orientation, gen-
2 der identity, or national origin’ shall be considered to be
3 a reference to ‘race, color, religion, sex, sexual orientation,
4 gender identity, national origin, age, or disability’.”.

5 (g) CONGRESSIONAL ACCOUNTABILITY ACT OF
6 1995.—The Congressional Accountability Act of 1995 (2
7 U.S.C. 1301 et seq.) is amended—

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

11 (2) by adding at the end of title II (42 U.S.C.
12 1311 et seq.) the following:

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

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

23 (h) CIVIL SERVICE REFORM ACT OF 1978.—Chapter
24 23 of title 5, United States Code, is amended—

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

4 (2) in section 2302—

5 (A) in subsection (b)(1)(A), by inserting
6 “sexual orientation, gender identity,” before “or
7 national origin,”; and

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

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

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

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

22 **SEC. 8. INTERVENTION.**

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

1 **SEC. 9. MISCELLANEOUS.**

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

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

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

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

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

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

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

24 “(B) a perception or belief, even if inac-
25 curate, concerning the race, color, religion, sex,

1 sexual orientation, gender identity, or national
2 origin, respectively, of the individual.

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

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

11 “(4) SEX.—The term ‘sex’ includes—

12 “(A) a sex stereotype;

13 “(B) pregnancy, childbirth, or a related
14 medical condition; and

15 “(C) sexual orientation or gender identity.

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

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

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

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

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

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

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

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

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

20 “(b) CLAIMS AND REMEDIES NOT PRECLUDED.—
21 Nothing in section 1101 or a covered title shall be con-
22 strued to limit the claims or remedies available to any indi-
23 vidual for an unlawful practice on the basis of race, color,
24 religion, sex, sexual orientation, gender identity, or na-
25 tional origin including claims brought pursuant to section

1 1979 or 1980 of the Revised Statutes (42 U.S.C. 1983,
2 1985) or any other law, including a Federal law amended
3 by the Equality Act, regulation, or policy.

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

11 **“SEC. 1107. CLAIMS.**

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

17 **SEC. 10. HOUSING.**

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

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

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

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

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

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

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

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

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

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

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

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

2 “Sections 1101(b) and 1106 of the Civil Rights Act
3 of 1964 shall apply to this title and section 901, except
4 that for purposes of that application, a reference in that
5 section 1101(b) or 1106 to a ‘covered title’ shall be consid-
6 ered a reference to ‘this title and section 901’.

7 **“SEC. 822. CLAIMS.**

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

13 (b) PREVENTION OF INTIMIDATION IN FAIR HOUS-
14 ING CASES.—Section 901 of the Civil Rights Act of 1968
15 (42 U.S.C. 3631) is amended by inserting “sexual orienta-
16 tion (as such term is defined in section 802 of this Act),
17 gender identity (as such term is defined in section 802
18 of this Act),” after “sex,” each place that term appears.

19 **SEC. 11. EQUAL CREDIT OPPORTUNITY.**

20 (a) PROHIBITED DISCRIMINATION.—Section
21 701(a)(1) of the Equal Credit Opportunity Act (15 U.S.C.
22 1691(a)(1)) is amended by inserting “sexual orientation,
23 gender identity,” after “status,”.

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

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

3 (2) by inserting after subsection (e) the fol-
4 lowing:

5 “(f) The terms ‘gender identity’, ‘sex’, and ‘sexual
6 orientation’ have the meanings given those terms in sec-
7 tion 1101(a) of the Civil Rights Act of 1964 (42 U.S.C.
8 2000e).

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

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

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

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

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

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

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

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

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

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

18 **SEC. 12. JURIES.**

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

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

23 (2) in section 1867(e), in the second sentence,
24 by inserting “sexual orientation, gender identity,”
25 after “sex,”;

1 (3) in section 1869—

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

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

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

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

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

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

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

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

23 **“§ 1879. Rules of construction and claims**

24 “Sections 1101(b), 1106, and 1107 of the Civil
25 Rights Act of 1964 shall apply to this chapter, except that

1 for purposes of that application, a reference in those sec-
2 tions to a ‘covered title’ shall be considered a reference
3 to ‘this chapter.’.”

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

“1879. Rules of construction and claims.”.

