

Act. This commonsense bill would combat the BDS movement by supporting State and local governments that choose not to contract with companies that discriminate against Israel.

It already passed the Senate with strong bipartisan support. Sadly, Speaker PELOSI refuses to allow a vote.

I am a proud cosponsor of H.R. 336. This week, I signed a discharge petition to ensure it gets a vote on the House floor.

Madam Speaker, Republicans and Democrats must send a strong signal against anti-Semitism and the anti-Israel BDS movement. We need a vote on H.R. 336.

□ 0915

LET AMERICANS BE FREE TO BE THEMSELVES

(Mr. EVANS asked and was given permission to address the House for 1 minute.)

Mr. EVANS. Madam Speaker, the new House Democratic majority has passed several important bills, including bills to protect Americans' healthcare. One of those important bills coming up is the Equality Act.

First as a State legislator and now as a Member of Congress, I have supported the equal rights for LGBTQ people for over 20-plus years.

Today, in much of America, LGBTQ people can get married on Sunday and fired on Monday. Our fellow Americans should not have to fear losing a job or an apartment simply because of who they are.

I am proud that this House will pass the Equality Act today. I urge the Senate to join us in passing this bill. Let fellow Americans be free to be themselves, free from discrimination; and from sea to shining sea, let freedom ring.

COMMENDING THE FEDERAL RAILROAD ADMINISTRATION

(Mr. LAMALFA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMALFA. Madam Speaker, I rise to commend the Federal Railroad Administration and the Trump administration for putting a stop to the wasteful Federal spending on California's high-speed rail boondoggle. This will save nearly \$1 billion that can be used for anything else to help Americans' transportation system.

At a time when tax increases on every mile you drive are being contemplated ostensibly for our highway needs, how can we keep wasting dollars on a project that "has repeatedly failed to comply with the terms of the 2010 agreement and has failed to make reasonable progress"?

It is no longer even a high-speed train project nor does it even connect San Francisco to L.A. but, instead, terminates in an almond orchard somewhere north of Bakersfield.

It has tripled in price since 2008, when put in front of the California voters, and is still at least \$70 billion short of the \$100 billion tripled price or more. That \$70 billion will not be coming from this Congress.

Let's channel these hard-earned tax dollars into highways people need, want, and can actually use, or water storage, or just about anything else.

EQUALITY ACT

Mr. NADLER. Madam Speaker, pursuant to House Resolution 377, I call up the bill (H.R. 5) to prohibit discrimination on the basis of sex, gender identity, and sexual orientation, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mrs. CRAIG). Pursuant to House Resolution 377, the amendment in the nature of a substitute recommended by the Committee on the Judiciary, printed in the bill, is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 5

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Equality Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Discrimination can occur on the basis of the sex, sexual orientation, gender identity, or pregnancy, childbirth, or a related medical condition of an individual, as well as because of sex-based stereotypes. Each of these factors alone can serve as the basis for discrimination, and each is a form of sex discrimination.

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

(3) Lesbian, gay, bisexual, transgender, and queer (referred to as "LGBTQ") people commonly experience discrimination in securing access to public accommodations—including restaurants, senior centers, stores, places of or establishments that provide entertainment, health care facilities, shelters, government offices, youth service providers including adoption and foster care providers, and transportation. Forms of discrimination include the exclusion and denial of entry, unequal or unfair treatment, harassment, and violence. This discrimination prevents the full participation of LGBTQ people in society and disrupts the free flow of commerce.

(4) Women also have faced discrimination in many establishments such as stores and restaurants, and places or establishments that provide other goods or services, such as entertainment or transportation, including sexual harassment, differential pricing for substantially similar products and services, and denial of services because they are pregnant or breastfeeding.

(5) Many employers already and continue to take proactive steps, beyond those required by some States and localities, to ensure they are fostering positive and respectful cultures for all employees. Many places of public accommoda-

tion also recognize the economic imperative to offer goods and services to as many consumers as possible.

(6) Regular and ongoing discrimination against LGBTQ people, as well as women, in accessing public accommodations contributes to negative social and economic outcomes, and in the case of public accommodations operated by State and local governments, abridges individuals' constitutional rights.

(7) The discredited practice known as "conversion therapy" is a form of discrimination that harms LGBTQ people by undermining individuals sense of self worth, increasing suicide ideation and substance abuse, exacerbating family conflict, and contributing to second class status.

(8) Both LGBTQ people and women face widespread discrimination in employment and various services, including by entities that receive Federal financial assistance. Such discrimination—

(A) is particularly troubling and inappropriate for programs and services funded wholly or in part by the Federal Government;

(B) undermines national progress toward equal treatment regardless of sex, sexual orientation, or gender identity; and

(C) is inconsistent with the constitutional principle of equal protection under the Fourteenth Amendment to the Constitution of the United States.

(9) Federal courts have widely recognized that, in enacting the Civil Rights Act of 1964, Congress validly invoked its powers under the Fourteenth Amendment to provide a full range of remedies in response to persistent, widespread, and pervasive discrimination by both private and government actors.

(10) Discrimination by State and local governments on the basis of sexual orientation or gender identity in employment, housing, and public accommodations, and in programs and activities receiving Federal financial assistance, violates the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. In many circumstances, such discrimination also violates other constitutional rights such as those of liberty and privacy under the due process clause of the Fourteenth Amendment.

(11) Individuals who are LGBTQ, or are perceived to be LGBTQ, have been subjected to a history and pattern of persistent, widespread, and pervasive discrimination on the bases of sexual orientation and gender identity by both private sector and Federal, State, and local government actors, including in employment, housing, and public accommodations, and in programs and activities receiving Federal financial assistance. An explicit and comprehensive national solution is needed to address such discrimination, which has sometimes resulted in violence or death, including the full range of remedies available under the Civil Rights Act of 1964.

(12) Numerous provisions of Federal law expressly prohibit discrimination on the basis of sex, and Federal agencies and courts have correctly interpreted these prohibitions on sex discrimination to include discrimination based on sexual orientation, gender identity, and sex stereotypes. In particular, the Equal Employment Opportunity Commission correctly interpreted title VII of the Civil Rights Act of 1964 in *Macy v. Holder*, *Baldwin v. Fox*, and *Lusardi v. McHugh*.

(13) The absence of explicit prohibitions of discrimination on the basis of sexual orientation and gender identity under Federal statutory law has created uncertainty for employers and other entities covered by Federal nondiscrimination laws and caused unnecessary hardships for LGBTQ individuals.

(14) LGBTQ people often face discrimination when seeking to rent or purchase housing, as well as in every other aspect of obtaining and maintaining housing. LGBTQ people in same-

sex relationships are often discriminated against when two names associated with one gender appear on a housing application, and transgender people often encounter discrimination when credit checks or inquiries reveal a former name.

(15) National surveys, including a study commissioned by the Department of Housing and Urban Development, show that housing discrimination against LGBTQ people is very prevalent. For instance, when same-sex couples inquire about housing that is available for rent, they are less likely to receive positive responses from landlords. A national matched-pair testing investigation found that nearly one-half of same-sex couples face adverse, differential treatment when seeking elder housing. According to other studies, transgender people have half the homeownership rate of non-transgender people and about 1 in 5 transgender people experience homelessness.

(16) As a result of the absence of explicit prohibitions against discrimination on the basis of sexual orientation and gender identity, credit applicants who are LGBTQ, or perceived to be LGBTQ, have unequal opportunities to establish credit. LGBTQ people can experience being denied a mortgage, credit card, student loan, or many other types of credit simply because of their sexual orientation or gender identity.

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

(18) The right to an impartial jury of one's peers and the reciprocal right to jury service are fundamental to the free and democratic system of justice in the United States and are based in the Bill of Rights. There is, however, an unfortunate and long-documented history in the United States of attorneys discriminating against LGBTQ individuals, or those perceived to be LGBTQ, in jury selection. Failure to bar peremptory challenges based on the actual or perceived sexual orientation or gender identity of an individual not only erodes a fundamental right, duty, and obligation of being a citizen of the United States, but also unfairly creates a second class of citizenship for LGBTQ victims, witnesses, plaintiffs, and defendants.

(19) Numerous studies document the shortage of qualified and available homes for the 437,000 youth in the child welfare system and the negative outcomes for the many youth who live in group care as opposed to a loving home or who age out without a permanent family. Although same-sex couples are 7 times more likely to foster or adopt than their different-sex counterparts, many child placing agencies refuse to serve same-sex couples and LGBTQ individuals. This has resulted in a reduction of the pool of qualified and available homes for youth in the child welfare system who need placement on a temporary or permanent basis. Barring discrimination in foster care and adoption will increase the number of homes available to foster children waiting for foster and adoptive families.

(20) LGBTQ youth are overrepresented in the foster care system by at least a factor of two and report twice the rate of poor treatment while in care compared to their non-LGBTQ counterparts. LGBTQ youth in foster care have a higher average number of placements, higher likelihood of living in a group home, and higher rates of hospitalization for emotional reasons and juvenile justice involvement than their non-LGBTQ peers because of the high level of bias and discrimination that they face and the difficulty of finding affirming foster placements. Further, due to their physical distance from friends and family, traumatic experiences, and potentially unstable living situations, all youth involved with child welfare are at risk for being targeted by traffickers seeking to exploit children. Barring discrimination in child welfare

services will ensure improved treatment and outcomes for LGBTQ foster children.

(b) **PURPOSE.**—It is the purpose of this Act to expand as well as clarify, confirm and create greater consistency in the protections and remedies against discrimination on the basis of all covered characteristics and to provide guidance and notice to individuals, organizations, corporations, and agencies regarding their obligations under the law.

SEC. 3. PUBLIC ACCOMMODATIONS.

(a) **PROHIBITION ON DISCRIMINATION OR SEGREGATION IN PUBLIC ACCOMMODATIONS.**—Section 201 of the Civil Rights Act of 1964 (42 U.S.C. 2000a) is amended—

(1) in subsection (a), by inserting “sex (including sexual orientation and gender identity),” before “or national origin”; and

(2) in subsection (b)—

(A) in paragraph (3), by striking “stadium” and all that follows and inserting “stadium or other place of or establishment that provides exhibition, entertainment, recreation, exercise, amusement, public gathering, or public display;”;

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

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

“(4) any establishment that provides a good, service, or program, including a store, shopping center, online retailer or service provider, salon, bank, gas station, food bank, service or care center, shelter, travel agency, or funeral parlor, or establishment that provides health care, accounting, or legal services;

“(5) any train service, bus service, car service, taxi service, airline service, station, depot, or other place of or establishment that provides transportation service; and”.

(b) **PROHIBITION ON DISCRIMINATION OR SEGREGATION UNDER LAW.**—Section 202 of such Act (42 U.S.C. 2000a-1) is amended by inserting “sex (including sexual orientation and gender identity),” before “or national origin”.

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

“SEC. 208. RULE OF CONSTRUCTION.

“A reference in this title to an establishment—

“(1) shall be construed to include an individual whose operations affect commerce and who is a provider of a good, service, or program; and

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

SEC. 4. DESEGREGATION OF PUBLIC FACILITIES.

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

SEC. 5. DESEGREGATION OF PUBLIC EDUCATION.

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

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

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

SEC. 6. FEDERAL FUNDING.

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

SEC. 7. EMPLOYMENT.

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

“SEC. 701A. RULES OF CONSTRUCTION.

“Section 1106 shall apply to this title except that for purposes of that application, a ref-

erence in that section to an ‘unlawful practice’ shall be considered to be a reference to an ‘unlawful employment practice’.”.

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

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

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

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

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

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

(2) by striking “employment,” and inserting “employment, if, in a situation in which sex is a bona fide occupational qualification, individuals are recognized as qualified in accordance with their gender identity.”.

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

(e) **EMPLOYMENT BY FEDERAL GOVERNMENT.**—Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16) is amended—

(1) in subsection (a), by striking “sex,” and inserting “sex (including sexual orientation and gender identity);”;

(2) in subsection (c), by striking “sex” and inserting “sex (including sexual orientation and gender identity).”.

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

(1) in section 301(b), by striking “sex,” and inserting “sex (including sexual orientation and gender identity);”;

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

(3) by adding at the end the following:

“SEC. 305. RULES OF CONSTRUCTION AND CLAIMS.

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

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

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

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

“SEC. 208. RULES OF CONSTRUCTION AND CLAIMS.

“Sections 1101(b), 1106, and 1107 of the Civil Rights Act of 1964 shall apply to section 201 (and remedial provisions of this Act related to section 201) except that for purposes of that application, a reference in that section 1106 to ‘race, color, religion, sex (including sexual orientation and gender identity), or national origin’ shall be considered to be a reference to ‘race, color, religion, sex (including sexual orientation and gender identity), national origin, age, or disability’.”.

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

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

(2) in section 2302—

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

(B) in subsection (d)(1), by inserting “(including sexual orientation and gender identity),” before “or national origin;” and

(3) by adding at the end the following:

“SEC. 2307. RULES OF CONSTRUCTION AND CLAIMS.

“Sections 1101(b), 1106, and 1107 of the Civil Rights Act of 1964 shall apply to this chapter (and remedial provisions of this title related to this chapter) except that for purposes of that application, a reference in that section 1106 to ‘race, color, religion, sex (including sexual orientation and gender identity), or national origin’ shall be considered to be a reference to ‘race, color, religion, sex (including sexual orientation and gender identity), national origin, age, a handicapping condition, marital status, or political affiliation’.”

SEC. 8. INTERVENTION.

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

SEC. 9. MISCELLANEOUS.

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

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

(2) by inserting after the title heading the following:

“SEC. 1101. DEFINITIONS AND RULES.

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

“(1) **RACE; COLOR; RELIGION; SEX; SEXUAL ORIENTATION; GENDER IDENTITY; NATIONAL ORIGIN.**—The term ‘race’, ‘color’, ‘religion’, ‘sex’ (including ‘sexual orientation’ and ‘gender identity’), or ‘national origin’, used with respect to an individual, includes—

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

“(B) a perception or belief, even if inaccurate, concerning the race, color, religion, sex (including sexual orientation and gender identity), or national origin, respectively, of the individual.

“(2) **GENDER IDENTITY.**—The term ‘gender identity’ means the gender-related identity, appearance, mannerisms, or other gender-related characteristics of an individual, regardless of the individual’s designated sex at birth.

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

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

“(A) a sex stereotype;

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

“(C) sexual orientation or gender identity; and

“(D) sex characteristics, including intersex traits.

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

“(b) **RULES.**—In a covered title referred to in subsection (a)—

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

“(2) (with respect to gender identity) an individual shall not be denied access to a shared facility, including a restroom, a locker room, and

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

(3) by inserting after section 1105 the following:

“SEC. 1106. RULES OF CONSTRUCTION.

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

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

“(2) to limit the protection against an unlawful practice on the basis of sex available under any provision of Federal law other than that covered title, prohibiting a practice on the basis of sex.

“(b) **CLAIMS AND REMEDIES NOT PRECLUDED.**—Nothing in section 1101 or a covered title shall be construed to limit the claims or remedies available to any individual for an unlawful practice on the basis of race, color, religion, sex (including sexual orientation and gender identity), or national origin including claims brought pursuant to section 1979 or 1980 of the Revised Statutes (42 U.S.C. 1983, 1985) or any other law, including a Federal law amended by the Equality Act, regulation, or policy.

“(c) **NO NEGATIVE INFERENCE.**—Nothing in section 1101 or a covered title shall be construed to support any inference that any Federal law prohibiting a practice on the basis of sex does not prohibit discrimination on the basis of pregnancy, childbirth, or a related medical condition, sexual orientation, gender identity, or a sex stereotype.

“SEC. 1107. CLAIMS.

“The Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb et seq.) shall not provide a claim concerning, or a defense to a claim under, a covered title, or provide a basis for challenging the application or enforcement of a covered title.”

SEC. 10. HOUSING.

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

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

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

“(q) ‘Race’, ‘color’, ‘religion’, ‘sex’ (including ‘sexual orientation’ and ‘gender identity’), ‘handicap’, ‘familial status’, or ‘national origin’, used with respect to an individual, includes—

“(1) the race, color, religion, sex (including sexual orientation and gender identity), handicap, familial status, or national origin, respectively, of another person with whom the individual is associated or has been associated; and

“(2) a perception or belief, even if inaccurate, concerning the race, color, religion, sex (including sexual orientation and gender identity), handicap, familial status, or national origin, respectively, of the individual.”;

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

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

(4) in section 806, by inserting “(including sexual orientation and gender identity),” after “sex.”;

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

(6) by adding at the end the following:

“SEC. 821. RULES OF CONSTRUCTION.

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

“SEC. 822. CLAIMS.

“Section 1107 of the Civil Rights Act of 1964 shall apply to this title and section 901, except that for purposes of that application, a reference in that section 1107 to a ‘covered title’ shall be considered a reference to ‘this title and section 901’.”

(b) **PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.**—Section 901 of the Civil Rights Act of 1968 (42 U.S.C. 3631) is amended by inserting “(including sexual orientation (as such term is defined in section 802 of this Act) and gender identity (as such term is defined in section 802 of this Act)),” after “sex,” each place that term appears.

SEC. 11. EQUAL CREDIT OPPORTUNITY.

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

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

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

(2) by inserting after subsection (e) the following:

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

“(g) The term ‘race’, ‘color’, ‘religion’, ‘national origin’, ‘sex’ (including ‘sexual orientation’ and ‘gender identity’), ‘marital status’, or ‘age’, used with respect to an individual, includes—

“(1) the race, color, religion, national origin, sex (including sexual orientation and gender identity), marital status, or age, respectively, of another person with whom the individual is associated or has been associated; and

“(2) a perception or belief, even if inaccurate, concerning the race, color, religion, national origin, sex (including sexual orientation and gender identity), marital status, or age, respectively, of the individual.”; and

(3) by adding at the end the following:

“(j) Sections 1101(b) and 1106 of the Civil Rights Act of 1964 shall apply to this title, except that for purposes of that application—

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

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

(c) **RELATION TO STATE LAWS.**—Section 705(a) of the Equal Credit Opportunity Act (15 U.S.C. 1691d(a)) is amended by inserting “(including sexual orientation and gender identity),” after “sex.”

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

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

SEC. 12. JURIES.

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

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

(2) in section 1867(e), in the second sentence, by inserting “(including sexual orientation and gender identity),” after “sex.”;

(3) in section 1869—

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

(B) in subsection (k), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(l) ‘gender identity’, ‘sex’, and ‘sexual orientation’ have the meanings given such terms

under section 1101(a) of the Civil Rights Act of 1964; and

“(m) ‘race’, ‘color’, ‘religion’, ‘sex’ (including ‘sexual orientation’ and ‘gender identity’), ‘economic status’, or ‘national origin’, used with respect to an individual, includes—

“(1) the race, color, religion, sex (including sexual orientation and gender identity), economic status, or national origin, respectively, of another person with whom the individual is associated or has been associated; and

“(2) a perception or belief, even if inaccurate, concerning the race, color, religion, sex (including sexual orientation and gender identity), economic status, or national origin, respectively, of the individual.”; and

(4) by adding at the end the following:

“§ 1879. Rules of construction and claims

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

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 121 of title 28, United States Code, is amended by adding at the end the following:

“1879. Rules of construction and claims.”.

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 90 minutes, equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary.

The gentleman from New York (Mr. NADLER) and the gentleman from California (Mr. MCCLINTOCK) each will control 45 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. NADLER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 5.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. NADLER. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, I rise today in strong support of H.R. 5, the Equality Act, which amends the Civil Rights Act of 1964 and other core civil rights statutes to explicitly prohibit discrimination on the basis of sexual orientation and gender identity. The bill would also strengthen nondiscrimination protections for women and others.

Today is a historic day: the first time a comprehensive LGBTQ civil rights bill has come to the floor of the House. This long overdue legislation will provide millions of LGBTQ Americans protections from being denied medical care, fired from their jobs, or thrown out of their homes simply because of who they are.

Much of the history of the United States has been about expanding the definition of who is understood to be included when the Declaration of Independence says, “all men are created equal.”

When these words were first written, that phrase did not include Black and Latino men; it did not include Native

Americans; it did not include women; and it certainly did not include LGBTQ individuals.

At this moment, we have an opportunity to continue our march towards justice, to enshrine in our Nation’s laws protections for marginalized communities to ensure that everyone can fully participate in key areas of life and to provide them recourse in the face of discrimination.

Despite what opponents to the bill may say, we know these protections can work. We know that our existing Federal nondiscrimination laws have helped millions of Americans.

We know that protections for sexual orientation and gender identity have worked in more than 20 States and that, in these places, women still have rights, religious freedom is still protected, parents are still involved in their children’s healthcare, and doctors are still free to exercise their professional medical judgment. Transgender individuals play sports, and sometimes they win and sometimes they lose, just like everyone else.

But the ability to have a job, to receive medical care, or to rent a home should not depend on who someone is or where they happen to live. We cannot accept the situation where anyone in this country can get married on Sunday and legally be fired on Monday because of who they love.

For decades, the LGBTQ community has been coming to Congress to tell us their stories. We have heard of transgender women being fired from their jobs, lesbian couples being kicked out of their homes, and gay men being denied medical care. It is time we stop asking them to come to the Capitol just to defend their existence.

The question before us is not whether the LGBTQ community faces outrageous and immoral discrimination, for the record shows that it clearly does. The question is whether we, as Congress, are willing to take action to do something about it. The answer goes straight to the heart of who we want to be as a country, and today, that answer must be a resounding and unequivocal “yes.”

To the thousands of LGBTQ people who have shared their stories, I say: Thank you for your bravery. Thank you for reliving your trauma to help build the case for this legislation—to build the case for expanding freedom in this country.

We hear you; we see you; we believe you. And we will continue fighting for you.

I thank the gentleman from Rhode Island (Representative CICILLINE) for his tireless leadership in introducing this bill and helping to shepherd it through the legislative process.

I urge my colleagues to support this landmark legislation, and I reserve the balance of my time.

Mr. MCCLINTOCK. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, there are some fundamental principles that we all ought

to be able to agree on: Don’t hurt other people; respect the right of doctors to do no harm; respect the right of parents to protect their children.

Now, the bill before us today could have affirmed the right of every adult to declare their own gender consistent with these principles. Unfortunately, it violates these principles in the most fundamental ways. And this isn’t speculation. Many States have already adopted similar laws, so we can see, firsthand, the result of them.

This bill harms people in so many ways: destroying safe spaces for women, undermining women-owned businesses, intimidating the free exercise of conscience. But let me concentrate on one aspect, the destructive impact it has on women’s sports.

Wherever these laws are imposed, biological males have begun to dominate women’s competitions. Listen to 16-year-old Selina Soule of Connecticut. She tells the story of qualifying for the prestigious Middletown Invite.

She says this: “Eight of us lined up at the starting line . . . but when six of us were only about three-quarters into the race, two girls were already across the finish line. . . . What just happened? Two boys identifying as girls happened. Fair is no longer the norm. The chance to advance, the chance to win has been all over for us. . . . I missed the chance to compete in the New England Championship this past season because of this.”

And she goes on to say: “The CAAC won’t listen to my voice, but I hope Congress will. . . . H.R. 5 will endanger women and girls of all ages by opening up every sports team in the country to any male who self-identifies as female. This policy will take away our medals, records, scholarships, and dreams.”

And we know this will happen because it already has. And we know it is the intent of the bill because Congressman STEUBE offered an amendment: “Nothing in this act may be construed to require a biological female to face competition from a biological male in any sporting event.” The Democrats voted it down on a party-line vote.

Sorry, Selina, but if you are looking for fairness from this majority, you have come to the wrong place.

Now, this bill could have protected the professional judgment of doctors, but it doesn’t. At our hearing on May 1, Mr. CICILLINE said: “What H.R. 5 does is to ensure that transgender people, including young people, are not denied care because of their gender identity.”

Well, what is care for gender identity? Cross-sex hormones, puberty blockers, and surgery. Refuse to provide it on the self-diagnosis of a child and you have just broken the law.

Indeed, Johns Hopkins University, which pioneered sex reassignment surgery, stopped the practice because they saw the long-term harm it did to their patients.

And we know that is the intent of the bill as well, because I offered an amendment: “Nothing in this act shall

be construed to require healthcare providers to affirm the self-professed gender identity of a minor," and the Democrats voted it down on a straight party-line vote.

Listen to one anguished parent, Elaine, tell her story. She says: "Let me explain to you how this works. If you take your child to a clinic to seek help, affirmative care means the . . . professionals must accept a child's professed gender identity. . . . Under 'conversion therapy' bans, questioning a child's professed gender identity is now illegal. So, if a little boy is 5 years old and believes he is the opposite sex, affirmative care means going along with his beliefs. Parents are encouraged to refer to him as their 'daughter' and let him choose a feminine name. Teachers are told to let him use the girls bathroom at school. Therapists will reassure parents that social transition is harmless and reversible. Is it really harmless to tell a child who still believes in the tooth fairy that he is of the opposite sex? . . . If a 10-year-old girl is uncomfortable with her developing body and suddenly insists she is a boy, affirmative care means blocking this girl's puberty with powerful drugs."

And we know this will happen because it already has. And we know this is the intent of the bill because Congressman MIKE JOHNSON offered an amendment: "Nothing in this act or any amendment made by this act may be construed to deny a parent's right to be involved in their minor child's medical care." And the Democrats voted that amendment down on a party-line vote.

Elaine goes on to say: "I am speaking out because I love my daughter. And it is because of her that I know what I have told you is true. She has been a victim of 'gender affirming' medical procedures, and I was powerless to stop doctors from harming her."

I am sorry, Elaine. The House majority doesn't care, and it isn't listening. This is the brave new world that House Democrats propose under the name, "equality."

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Madam Speaker, I yield 3 minutes to the gentleman from Rhode Island (Mr. CICILLINE), the sponsor of this legislation.

Mr. CICILLINE. Madam Speaker, I rise to support H.R. 5, the Equality Act.

I have to stop for a second and take in this momentous occasion, for I have the honor of being on the floor of the U.S. House of Representatives, speaking in favor of a bill that I have worked on for the past 5 years that will finally give full legal equality to the LGBTQ community here in America. This is truly historic.

I want to thank Chairman NADLER, who has been an unwavering ally in support of LGBTQ rights throughout his career, and thank Speaker PELOSI, Leader HOYER, and our whip, JAMES

CLYBURN, who have all showed tremendous leadership in helping to get this bill to the floor.

I want to acknowledge and thank my LGBTQ Equality Caucus co-chairs, who have shown extraordinary leadership, not just in blazing a trail for future LGBTQ leaders, but in being friends and partners in this fight to get where we are today.

I also want to thank our colleagues in the Senate for their extraordinary leadership. And, most importantly, we wouldn't be here today without the determined efforts of the advocates and allies in the civil rights and LGBTQ rights community who banded together to fight for the common values of dignity and equality under the law.

Throughout my life, I have seen, firsthand, the struggles that many in my community have faced in achieving the American Dream. The right to live freely, without fear of persecution or discrimination, is one many in the LGBTQ community felt was an impossibility for so long.

The fact that we are here today about to vote on this legislation, which has the bipartisan support of 241 Members of the House is, in and of itself, an achievement. It was not easy to get here.

It was only 4 short years ago that the Supreme Court struck down the Defense of Marriage Act, finally allowing members of the LGBTQ community to marry in every State.

Don't Ask, Don't Tell was the law of the land until 6 years ago, and today, the Trump administration is forcing the men and women in our Armed Forces back into the closet and taking steps to target the LGBTQ community in a variety of ways.

The forces working against progress are strong, but together, we are stronger. We have made great strides in fighting for LGBTQ rights under the law, but make no mistake, there are many people in this country, including in this administration, who are actively working to undermine our hard-fought gains.

□ 0930

That is why it is so significant that we have such strong and diverse support for the Equality Act.

And I don't just mean 241 bipartisan cosponsors in the House. Look at the 47 bipartisan sponsors in the Senate, the more than 200 businesses in every State in the country who have endorsed the bill, and the dozens of associations, advocacy groups, civil rights groups, and faith groups that back it.

The Equality Act has the support of a majority of the American people in every State. Let that sink in. In every single State in the country, the American people think it is time to protect the LGBTQ community.

There is nothing more central to the idea of America, nothing that has contributed more to the exceptionalism of our country and the prosperity of America than the guarantee of equal

protection of the law for every single American.

They support this bill all across this country because it makes sense, it is common sense. It adds sexual orientation and gender identity as protected classes through existing civil rights law, ensuring that the LGBTQ community enjoys the same protections as everyone else, nothing more and nothing less.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NADLER. Madam Speaker, I yield the gentleman from Rhode Island an additional 1 minute.

Mr. CICILLINE. Madam Speaker, I want to take a moment to talk about what the Equality Act doesn't do. There has been a lot of misinformation about this bill floating around, and I want to ensure that my colleagues and the American people understand the facts.

The Equality Act doesn't force priests or other clergy to perform same sex marriages or any other religious ceremony against their beliefs.

It doesn't eliminate women's colleges, fraternities, or sororities, or other nondiscriminatory sex-segregated program.

The Equality Act doesn't prevent parents from having control of their children's medical decisions or force doctors to provide treatment against their best judgment or religious beliefs.

And the Equality Act doesn't eliminate women's sports.

The Equality Act doesn't force churches to act as public accommodations or eliminate the ability of religious institutions to accept Federal money.

Here is what the Equality Act does. It ensures that every child of an LGBTQ parent will not be turned away from the pediatrician's office.

It ensures that transgender teenagers can attend school without fear for their safety.

And it ensures that LGBTQ employees can't get married on Saturday, post pictures on social media on Sunday, and they get fired on Monday.

The Equality Act is quite literally a life-saving bill that addresses some of the fundamental inequalities that still exist in the American legal system.

The time is now. The moment is here. Future generations will look back on this day as the moment where our elected leaders showed what side of history they are on.

We are on the right side of history. Let's pass the Equality Act today with overwhelming bipartisan support.

Madam Speaker, I thank the gentleman for yielding me the additional time.

Mr. MCCLINTOCK. Madam Speaker, I yield 3 minutes to the gentlewoman from Arizona (Mrs. LESKO).

Mrs. LESKO. Madam Speaker, I rise in opposition to H.R. 5.

Madam Speaker, H.R. 5, the so-called Equality Act, should really be called the "Forfeiting Women's Rights Act."

According to multiple experts, lawyers, and organizations, H.R. 5 would indeed prohibit, in all circumstances, under penalty of Federal law, any acknowledgement of the reality of biological sex; would allow anyone at any time to declare that he or she identifies as the opposite sex, without any medical or psychological diagnosis.

It would erase women and girls' rights by requiring facilities, such as schools, churches, dormitories, domestic violence shelters, homeless shelters, to allow biological males who identify as women in women's bathrooms, women's and girls' shelters, women's and girls' showers, and in women's locker rooms.

This will indeed violate women's privacy and can ultimately violate their safety.

The danger to women when biological men seek to claim female identity should seem obvious, but it is being ignored by proponents of this bill.

H.R. 5 puts women at risk by promoting a Federal law that would overrule any restriction on gender identity claims and abolish the protections of biological sex-specific practices and spaces.

H.R. 5 will eliminate women and girls' sports by requiring that men and boys be allowed to compete in women's and girls' sports. This is already happening.

H.R. 5 will also require doctors to provide sex change surgeries and sex change hormones to adolescents without parental consent and without a medical or psychological diagnosis. This could permanently sterilize young girls.

H.R. 5 denies constitutional religious protections by totally eliminating the bipartisan Religious Freedom Restoration Act, which was supported by so many Democrats back then, and this is being done for the first time ever since the act was passed.

Congress should only pass laws that protect women, not threaten, silence, or abandon them.

In fact, H.R. 5 puts everything that women have worked so hard to gain, opportunities and protections, at risk.

I believe that in our society, laws should seek to protect the safety and privacy of every woman and girl.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. McCLINTOCK. Madam Speaker, I yield the gentlewoman from Arizona an additional 30 seconds.

Mrs. LESKO. Madam Speaker, this bill actually does the opposite.

H.R. 5 prioritizes the rights of some Americans over the rights of others. This is not equality. This is far from it.

Madam Speaker, I speak before you now willing and desiring to work with any and all of my colleagues on policies that will truly promote women's rights and equality. However, this bill, unfortunately, does neither.

Madam Speaker, with that, I urge opposition of this bill.

Mr. NADLER. Madam Speaker, I yield 2½ minutes to the gentleman

from Virginia (Mr. SCOTT), the chair of the Education and Labor Committee.

Mr. SCOTT of Virginia. Madam Speaker, today is a historic day. Sixty-five years ago today, the Supreme Court ruled in *Brown v. Board of Education* that racially segregated schools were inherently unequal and, therefore, unconstitutional.

Today is also a historic day for the LGBTQ community, because today the House of Representatives will pass the Equality Act.

Over the last decade, we have made progress in securing rights for the LGBT community, including marriage equality and the repeal of Don't Ask, Don't Tell. However, many legal barriers still remain.

Only a handful of States have explicit laws barring discrimination based on sexual orientation in employment, housing, and public accommodations, and even fewer have protections for gender identity.

The inconsistent patchwork of State laws leaves many people vulnerable to discrimination at work, at school, and in many other parts of their daily lives.

As chairman, I was proud to hold a hearing on this important civil rights legislation in the Committee on Education and Labor. Witnesses testified that all too many Americans are experiencing discrimination in their everyday lives, especially the workplace, and even in the educational system, where many of them are experiencing discrimination, even in elementary school. This is not acceptable.

This bill also ensures that the Religious Freedom Restoration Act, the RFRA, cannot be used as a free pass to discriminate.

RFRA was originally enacted as a shield to serve as a safeguard for religious freedom, but recently it has been used as a sword to cut down the civil rights of too many individuals.

Freedom from discrimination is a core American value.

Madam Speaker, passage of this bill is long overdue. We must affirm that all Americans are equally protected from discrimination under the law. I, therefore, urge all of my colleagues to support this legislation.

Mr. McCLINTOCK. Madam Speaker, I yield 4 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX of North Carolina. Madam Speaker, I thank the gentleman from California for yielding and for his tireless work exposing the deep flaws in this bill.

Madam Speaker, I rise as the leader of the Republicans on the Education and Labor Committee, which should have had an opportunity to consider this legislation fully, considering its vast implications for educational institutions and employers.

We did not have that opportunity. Instead, we had a single subcommittee hearing.

As a fierce advocate for the Education and Labor Committee, I would

never deem any subcommittee unimportant, but it was the subcommittee with the smallest membership.

On top of that, somehow the decision was made to bring this bill to the floor under a closed rule with no amendments. So, I commend my colleagues on the Judiciary Committee for their work on behalf of all of us.

This bill may have "equality" in its title, but it does not serve all people.

Its mandates for specific accommodations in shared facilities puts job creators, particularly those in small businesses, schools, and other community-serving facilities on the hook for Washington's half-baked ideas.

Its vague and circular definitions of gender identity will lead only to uncertainty, litigation, and harm to individuals and organizations that will be forced to comply with a law the authors don't even seem to understand.

This is a classic example of passing something now and figuring out what it actually means later.

We have been here before. If the Devil is in the details, we are in for a lot of devilish surprises.

This is no small price for some greater good, as the bill's proponents have argued.

Opening schools and workplaces to expanded liability based on, as the bill states, a "perception or belief, even if inaccurate," of suspected discrimination.

Madam Speaker, I am going to repeat those words, because they are so unbelievable: "a perception or belief, even if inaccurate," of suspected discrimination.

How can we write legislation like this? It would have untold chilling effects on hiring, career advancement, and one could easily see discourse in the classroom.

Where the bill is alarmingly clear, however, is in its meticulous and intentional destruction of religious freedom protections.

American employers and educators have grown accustomed to clumsy and misguided mandates coming down from Washington shrouded in good intentions. Other laws under the jurisdiction of the Education and Labor Committee are littered with them, but this time something is different.

The provision in H.R. 5 that guts the Religious Freedom Restoration Act of 1993 is clear in its intent. This bill is a brazen attempt to replace timeless, inherent religious liberties with the identity politics of the moment.

My colleagues on the other side of the aisle could have been given the benefit of the doubt on the rest of this bill.

Careless and shortsighted legislation is what they have done best for many years, but this fevered grasping, this hysterical clawing at individual Americans who hold personal religious convictions, represents a major departure from where the debate in this Chamber has been before.

I sincerely hope it is temporary, for the sake of this body, and more importantly, for the sake of the people we represent.

I hope this bill, which faces certain failure in the Senate, will be remembered as a failed experiment in oppressive legislating and not the first-time move in a new, sustained attack on religious freedom.

Mr. NADLER. Madam Speaker, I yield 1½ minutes to the gentleman from Wisconsin (Mr. POCAN), the co-chair of the Equality Caucus.

Mr. POCAN. Madam Speaker, I thank the gentleman from New York for yielding.

Madam Speaker, this is not about a red herring about men wanting to play in women's sports. Please.

This is about people like my husband, Phil, and I. We have been married for almost 13 years. We are a pretty boring married couple, probably not all that different than most people in Congress.

We try to sleep in a little on the weekends, we sometimes argue over what to watch on TV, and we cherish the limited time we have with our friends and family.

And we are really lucky, because we live in Wisconsin, the first State in the Nation to pass a gay and lesbian civil rights bill back in 1982, and it was signed by a Republican Governor, but that is not true for a majority of America.

If we pass the Equality Act, people like Phil and I can be free to love who we love, and we can live where we want to live, and we can work where we want to work without being fired or evicted simply because of who we are or who we love.

That is pretty simple, pretty normal, pretty American.

Today, we here in Congress can protect our LGBTQ constituents who want to live a life like Phil and mine, like yours, free of unfair prejudice and discrimination.

Madam Speaker, I hope that Members will do the right thing today and join me in supporting the Equality Act.

□ 0945

Mr. McCLINTOCK. Madam Speaker, I ask unanimous consent that the gentleman from Georgia (Mr. COLLINS), the ranking member of the Judiciary Committee, control the remainder of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COLLINS of Georgia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the gentleman from California for being here today and covering for us.

Madam Speaker, again, we have talked about this: The Democrats in this bill are pushing something quickly. We have talked about this many times and sometimes I just want to

talk about this because I feel that, however well-intentioned the bill is, it is not coming under full scrutiny. After considering only four members in the committee and rejecting each of them, including three that simply added rules of construction, the chairman requested the House consider this bill under a closed rule, and his request was granted. Now, we can disagree about policy, but it is hard to argue this bill wouldn't have been improved by full debate about what the bill says in consideration of as many amendments as possible.

Americans can all agree that everyone deserves to be treated with respect. No one should be mistreated by his employers, coworkers, or, frankly, anyone else. However, when lawmakers propose amendments to Federal law, we must avoid doing more harm than good. We also must not pass legislation that could harm children; set back the rights of women they have fought so hard to obtain; and erase the gains made possible by other Federal civil rights laws, such as Title IX. H.R. 5 does all these things. This bill would do much more harm than good in many ways, and the people who would bear it the most would be the women and children who would get the brunt of the damage.

Again, we can have disagreements on what we believe this to be, but without a full vetting on the possibilities, all the nice language today about what it would or would not do and what it is supposed to do gets under the scrutiny of what the law actually says. That is the part that I have the most problem with, not the intent, not the desire, that is something we fight about—and we do—and the goodness, I never question. It is how you go about it.

I made this statement on this floor before, Madam Speaker, what makes you feel good does not often heal you. And today may make us feel good, but in the end probably will not do what we intend it to do. And that is a concern, especially with the way this bill has come to the floor.

I know this has been a consideration. We considered female sports in which, last year, two male athletes won the top two spots in a Connecticut girls class S indoor track meet. One of those female athletes finished eighth and missed an opportunity to compete in front of college coaches by two places. In her words, "We all know the outcome of the race before it even starts; it's demoralizing." Allowing men to compete against women in women's sports isn't demoralizing because female athletes like Selina aren't talented, it is demoralizing because it makes their talent irrelevant.

I don't say this. This is not DOUG COLLINS' opinion. This is also the opinion of tennis great, Martina Navratilova, who explained the threat H.R. 5 poses to women's sports: "Unless you want to completely remake what women's sports mean, there can be no blanket inclusion rule. There is nothing

stereotypical about this—it's about fairness and it's about science." And that came after she made initial comments, went back after being criticized for them, reviewed it, looked at everything, and then came back with that statement. She basically, again, doubled down and agreed on what she was saying. And she is one not to back away from those needing equality.

If H.R. 5 becomes law, others will be asking, What did we do at this moment when we had a chance to look at a bill that maybe we could look at and fix or make it better, but we didn't?

Never before in American history has a political party tried so dramatically to rewrite the Federal civil rights laws to include an undefined, self-referential, ideologically driven term called "gender identity" in the U.S. Code, applicable to literally any entity that receives Federal assistance, including elementary schools, colleges, and healthcare centers nationwide. H.R. 5 would make self-reporting of gender identity a protected class under Federal law and require doctors and educators to blindly follow the self-reporting of adolescents and young adults. Healthcare protocols and even state law would be no defense, as they would be superseded by this Federal law under the Supremacy Clause of the Constitution. I know this has been debated and characterized from my friends across the aisle as not true, but a plain reading of the text says it is true, and this is something we have to deal with.

We heard proponents of H.R. 5 call people who oppose it as either ignorant, bigoted, oppressive, or hateful. I will not make similar characterizations across the aisle of my friends. I believe we have a genuine disagreement here. That is what this House floor is for, but, unfortunately, it is a closed rule today and has been relatively closed in the process up until this point.

Madam Speaker, I implore my colleagues to listen to the stories of stakeholders everywhere, including the transgender girls and boys this bill is meant to help. We may be hurting them by allowing doctors to prescribe hormones and perform major surgeries on adolescents without parental consent or involvement. In fact, H.R. 5 would actually compel doctors to medicalize children without even consulting their parents. Families of transgender children are begging Congress to listen to them.

But, also, H.R. 5 endangers the First Amendment rights of every single American. Because the bill makes no provision for sincerely-held religious belief, it would criminalize the fundamental tenets of major world religions, including Christianity, Islam, and Judaism. Biological sex is a scientific reality, yet H.R. 5 would target faith traditions that acknowledge it as such and want to live their lives accordingly.

Today, we must listen to all Americans, including the LGBTQ community, and recognize many within the community have also raised concerns about this legislation. H.R. 5, in the words of the Women's Liberation Front leader, nullifies "women and girls as a coherent legal category, worthy of civil rights protection." It would endanger millions of American women and undermine fundamental American rights to faith in both religion and science, and actively put children at risk by medicalizing them in harmful and permanent ways without parental involvement.

Madam Speaker, I urge all of my colleagues to join me in opposing this bill, which is being rushed to the floor without Members having an opportunity to vote on amendments and I believe carefully considering what is being put before them.

Again, Madam Speaker, think about what we are asking here. For the first time, something was raised in our committee hearing that said: Do you think people would commit fraud by doing all these changes and going through medical procedures and everything, that they would do that just to simply commit fraud? Let me remind you, Madam Speaker, and to anyone listening this morning, this bill does not require any of that. It requires nothing except a self-admonishment or knowledge that I am what I say I am today. That is all this bill requires.

So many of us are just asking: Is there a better way to do this? Is there a better way to look at this? Probably not. But this way, this is not right and is being rushed.

Again, as I started with today, I will sort of end as well, sometimes what makes you feel good—and I understand the majority's desire to bring this forward and to a fulfill a promise, I get it—but, in the end, is it also going to do what you want it to do in the long-run? Or are there going to be unintended consequences that we don't want to acknowledge today in our rush to do something we promised? Sometimes it is better to back up and make sure it is right before we can fulfill a promise.

Madam Speaker, I reserve the balance of my time.

Mr. NADLER. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. SEAN PATRICK MALONEY).

Mr. SEAN PATRICK MALONEY of New York. Madam Speaker, I rise to support the Equality Act. I will not repeat the many eloquent things my colleagues have said about the importance of the proposed legislation, though I will thank the gentleman from New York and from Rhode Island for their leadership and others. Nor will I refute the many foolish and false things said on the other side.

This is landmark and essential civil rights protection for those who now don't have it. It is no more, it is no less than others enjoy. It respects the First

Amendment and the exercise of religion in exactly the same way as we do now for every other civil rights context. It puts the law on the side of those who continue to face invidious discrimination based not on their character, but on who they are.

Many others have said this better than I will, but, Madam Speaker, I do want to speak to one group of my colleagues: those who know this is a good bill and, yet today, will vote no. To those colleagues, I ask you to consider the score.

In this Chamber, we are all familiar with scores. A score is what some powerful group usually threatens us with when they fear we will vote for something because we believe it is the right thing to do. It often works that way. We believe a vote is right, but don't vote that way, they say, or we will score it against you. That is how Washington scores.

But, history scores differently. Conscience has its own rules. Decency sees something beyond such agendas. History records the good. Conscience aligns with what is right. Decency endures the unfair attacks and protects what truly matters.

This is a good and simple bill of extraordinary historical importance. It sits high above our daily considerations. Each of us in our careers will be lucky if we come to this floor on a single day when history is made, on a day when, by our vote, we can count ourselves among those who have cared for and who have nurtured the original promise embedded in our founding documents.

Others have done much more than we will do today or any day: on the battlefield, or in Seneca Falls, or on the Edmund Pettus Bridge, or simply in their daily dignified decisions to love their neighbors as themselves.

Madam Speaker, I know my colleagues are good and decent people. Let conscience guide us to the right, and, please, support this bill.

Mr. COLLINS of Georgia. Madam Speaker, I yield 4 minutes to the gentleman from Alabama (Mr. BYRNE).

Mr. BYRNE. Mr. Speaker, I rise in strong opposition to H.R. 5. As many of my colleagues have stated, there are a number of very troubling issues with this legislation. In my mind, perhaps none is more troubling than the bill's explicit carveout from the Religious Freedom Restoration Act, also known as RFRA.

Under the First Amendment, Americans are blessed with the freedom of religion. This is much more than the freedom of worship. Not only do Americans have the right to worship as they see fit, their faith is not confined to what happens inside their place of worship. They have the right to practice their religion every day as they see fit.

For many years, there was a strong, bipartisan agreement that protecting this right was of the utmost importance. In the Civil Rights Act of 1964, religious protections enjoyed bipar-

tisan support. Likewise, RFRA was heralded as an historic, bipartisan achievement.

In the wake of the Supreme Court's 1990 decision in *Employment Division v. Smith*, which rolled back longstanding constitutional protections for religious liberty, the Congress came together and restored broad protections for religious freedom under RFRA.

RFRA was introduced by then-Representative CHUCK SCHUMER and Senator Ted Kennedy. It passed unanimously in the House and by a vote of 97-3 in the Senate, and it was signed into law by President Clinton.

For nearly two decades, RFRA has been the hallmark of protecting the religious freedom of Americans against the weight of a powerful Federal Government. Contrary to what some of its recent opponents claim, RFRA is not an automatic opt out of any law for people of faith. Instead, RFRA provides a commonsense balancing test between religious belief and government action.

First, an individual challenging the government must show that they have a sincerely held belief that is being substantially burdened by the government—that is, there is a real matter of faith actually being affected by the government's actions. If the individual successfully shows that, they do not automatically win their claim.

The government may then show that it has a compelling interest—that is, a good reason—to interfere with the individual's religious rights and that the interference is the least restrictive means to accomplish the government's goals—that is, the government doesn't have a better alternative.

This test provides fairness for both sides. Unfortunately, today, the House proposes to break this historic protection and say that RFRA will not apply to the Equality Act. It is clear why they have done this.

Without RFRA, it is less likely that faith-based charities and organizations will be able to uphold the faith of their organization when it runs counter to evolving norms on human sexuality.

Without RFRA, it is less likely that Christian colleges and universities will be able to teach and uphold a biblical understanding of marriage and human sexuality.

Without RFRA, it is less likely that parents in public schools will be able to opt their children out of mandated education that teaches human sexuality contrary to their family's religious faith.

Unfortunately, the modern Democratic Party has decided that mandating its beliefs on everyone is more important than upholding the rights of people of faith and those who possess contrary beliefs.

Madam Speaker, that is truly radical and deeply troubling. It is unprecedented. It is contrary to the values and foundational freedoms of this country.

Madam Speaker, I urge my colleagues to reject this legislation. Protecting the rights of some cannot come

at the high cost of stripping away the rights of others, particularly when it comes to protecting religious liberty.

□ 1000

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE), a senior member of the Committee on the Judiciary.

Ms. JACKSON LEE. Mr. Speaker, I thank the gentleman very much, and I thank Mr. CICILLINE.

Let me refute the suggestion that this is a bill that was rushed to the floor. This is a work that has been germinating for 5 years plus, and many of us have watched and been engaged in meetings and collaboration to ensure that the bill would reflect all of what America is about.

I want to speak to my religious friends—that is, all of us claim a religion of some form—and I want to say to them that religious liberty is not dead, but it is alive.

This bill focuses on saving lives; it focuses on understanding what it means to be transgender and denied the right to serve in the United States military. It stands up for African American transgender women who have been killed in the South, in the region that I live in; and it stands up for the person who knocked on the door and could not get housing because of their status.

And so I would ask my friends who are Mormon, Seventh Day Adventists, Catholic, Jewish, Muslim, and other religions: How would you feel if you knocked on a door and you could not get in, if they had no place for you at the inn?

So I am well-aware of the Restorative Act, dealing with religion, passed in 1993, but I am also aware of the Supreme Court case, the Hodges case in 2015, which said: “They ask for equal dignity in the eyes of the law. The Constitution grants them that right.”

That is what this bill is doing, and the Constitution will protect those who are involved in the religious practices. As it has indicated: “We the people of the United States, in order to form a more perfect Union.”

And then you go to the Bill of Rights, and it has as Amendment Number I: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.”

The Constitution will be alongside of the Equality Act, and we will be able to have fair housing and civil rights, and we will be able to deal with this issue.

The SPEAKER pro tempore (Mr. POCAN). The time of the gentlewoman has expired.

Mr. NADLER. Mr. Speaker, I yield an additional 30 seconds to the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Speaker, I thank the gentleman very much for the time.

It will allow, with this Constitution alongside of the Equality Act, the idea

that the Civil Rights Act stands for those in the LGBTQ community, the Civil Rights Act in title VI and title II and title VII; and they will stand alongside of the ACLU and the NAACP and the Urban League and LULAC and all of the civil rights groups.

They will stand alongside those of us who have been fighting for fair housing time after time so that, when we knock on the door, no matter who you are in this country, you will have the Constitution and the Equality Act.

Mr. Speaker, I ask my friends and others in the religious community to support the Equality Act.

Mr. Speaker, as a senior member of the Committee on the Judiciary and an original co-sponsor, I rise in strong support of H.R. 5, the “Equality Act of 2019.”

Let me thank my colleague on the Judiciary Committee, Congressman DAVID CICILLINE of Rhode Island, for introducing this landmark legislation and his tireless efforts in making this day a reality.

Mr. Speaker, our nation’s long but inexorable march towards equality reaches another milestone today.

For as long as our national charters have been in existence, we have endeavored to ask ourselves: what do we mean when we say “We the People?”

How expansive do we hold our pledge that all are entitled to the blessings of life, liberty, and the pursuit of happiness.

To be certain our nation has come a long way, but as we debate this critical bill, I am reminded of the Supreme Court’s decision in *Obergefell v. Hodges*, 576 U.S. ____ 135 S.Ct. 2584 (2015), and its powerful conclusion explaining the profound power of love and marriage, and the desire to be seen as equal in the eyes of the law:

No union is more profound than marriage, for it embodies the highest ideals of love, fidelity, devotion, sacrifice, and family. In forming a marital union, two people become something greater than once they were. As some of the petitioners in these cases demonstrate, marriage embodies a love that may endure even past death. It would misunderstand these men and women to say they disrespect the idea of marriage. Their plea is that they do respect it, respect it so deeply that they seek to find its fulfillment for themselves. Their hope is not to be condemned to live in loneliness, excluded from one of civilization’s oldest institutions. They ask for equal dignity in the eyes of the law. The Constitution grants them that right.

Despite significant legal advances over the past several years, including marriage equality, LGBTQ Americans remain vulnerable to discrimination on a daily basis and too often have little recourse.

The Equality Act has the bipartisan support of Members of Congress, with nearly 240 co-sponsors, as well as the strong support of the business community, and most important, the overwhelming support of the American people.

More than 70 percent of Americans support the Equality Act.

This has been a long journey; the first Equality Act was introduced nearly 45 years ago.

It is long past time to secure the civil rights of LGBTQ people across the country and accord them full membership in the American family.

With the Trump Administration rolling back protections at the federal level and anti-equality opponents continuing to push discriminatory bills at the state level, LGBTQ people cannot wait another year for affirmation that they are worthy of the dignity of their peers and deserving of equal protection of the laws.

Today, too many LGBTQ Americans in too many places remain too vulnerable to discrimination on a daily basis with too little legal recourse.

Fifty percent of the national LGBTQ community live in states where, though they may have the right to marry, they have no explicit non-discrimination protections in other areas of daily life.

The Equality Act extends the full anti-discrimination protections of the landmark Civil Rights Act of 1964 and other key pillars of fairness and justice in our country to LGBTQ Americans.

Sexual orientation and gender identity deserve full civil rights protections, not just in the workplace, but in every place: in education, housing, credit, jury service, public facilities, and public accommodations.

Today, there are only 21 states that have explicit laws barring discrimination based on sexual orientation in employment, housing, and public accommodations, and only 20 states have such protections for gender identity.

In most states, a same-sex couple can get married on Saturday, then be legally denied service at a restaurant on Sunday, and be fired from their jobs on Monday, and evicted from their apartment on Tuesday.

Mr. Speaker, let me take a moment to discuss in more detail several of the important elements of the Equality Act.

The Equality Act amends existing federal civil rights laws to explicitly prohibit discrimination on the basis of sexual orientation and gender identity in education, employment, housing, credit, Federal jury service, public accommodations, and the use of Federal funds.

It does so by adding sex in some places where it had not previously been protected, and clarifying that sex includes sexual orientation and gender identity.

Specifically, the H.R. 5, the “Equality Act of 2019” amends:

1. Title II of the Civil Rights Act of 1964 to provide basic protections against discrimination in public accommodations by adding sex, including sexual orientation and gender identity;

2. Title VI of the Civil Rights Act of 1964 to provide basic protections against discrimination by recipients of federal financial assistance by adding sex, including sexual orientation, and gender identity;

3. Title VII of the Civil Rights Act of 1964, the Civil Service Reform Act of 1978, the Government Employee Rights Act of 1991, and the Congressional Accountability Act of 1995 to make explicit protections against workplace discrimination on the basis of sexual orientation or gender identity;

4. The Fair Housing Act of 1968 to make protections against housing discrimination based on sexual orientation or gender identity explicit;

5. The Equal Credit Opportunity Act to make protections against credit discrimination based on sexual orientation and gender identity explicit; and

6. The Jury Selections and Services Act to make protections against discrimination in federal jury service based on sexual orientation or gender identity explicit.

RELIGIOUS EXEMPTIONS

The march towards equality has been long and has awoken passions passion from many quarters for various reasons.

Well-intentioned people from all walks of life have had difficulty as progress washes over the debate surrounding protections for same sex individuals.

At times, the debate has seen input from members of the faith community, who strive to reconcile their love for all of God's sons and daughters, with the script of their sacred text.

I understand this tension, but I have carefully studied the text and am confident that passage of the Equality Act will not adversely affect any person's freedom of worship of the free exercise of their faith.

The Equality Act adds sexual orientation and gender identity to federal civil rights law and sex where it is missing.

But the same statutory exemptions that are already in place in the Civil Rights Act and the Fair Housing Act will remain in place after enactment and the guarantees of the United States Constitution remain untouched.

The U.S. Constitution provides ample protections for religious freedom and nothing in this bill would, or could, infringe upon the protections afforded by the Constitution, as the principal sponsor of the bill, Congressman CICCILLINE, confirmed during a colloquy we held during the markup of the bill in the Judiciary Committee.

Specifically, the provisions relating to Title VI of the Civil Rights Act (federal funding) include the original exemptions for discrimination based on religion.

Religious organizations (not just houses of worship) are free to limit participation in a wide array of activities and services to only members of their faith.

This same exemption applies to public accommodations.

Houses of worship could be considered a place of public accommodation only if they offer their space or services for commercial public use.

This does not include religious services.

Nothing in this bill alters the ability of houses of worship or religious leaders to practice or carry out their faith.

No member of the clergy will ever be compelled to perform a religious ceremony that conflicts with their beliefs, including marrying same-sex couples.

The DOJ Title VI Manual and relevant and relevant case law clearly provide that a religious organization that is not "principally engaged" in providing social services is only bound by nondiscrimination requirements related to the program for which they receive funding if that funding is targeted in order to provide a specific program or service, i.e. disaster relief, rather than to the entity "as a whole."

Nothing in the Equality Act changes that rule.

There is a longstanding ministerial exemption in federal civil rights law that exempts religious organizations from complying with employment nondiscrimination provisions for ministers, rabbis and any other person who is "carrying out the faith".

The Equality Act does not alter that exemption in any way.

The Equality Act does not repeal the Religious Freedom Restoration Act (RFRA).

The Equality Act clarifies that RFRA cannot be used to defend discrimination in public settings or with federal funds.

The Equality Act does not alter or amend the RFRA standard for any other kinds of claims.

Federal civil rights laws and the United States Constitution provide many exemptions for religious organizations.

It bears stating again that the statutory exemptions that are already in place in the Civil Rights Act and the Fair Housing Act will remain in place and the United States Constitution remains untouched.

Courts have long-rejected religious claims as a reason to deny civil rights protections, including those based on race and sex, and the same analysis applies to all other protected characteristics.

Specifically, religious belief did not exempt restaurants or hotels from complying with the civil rights laws passed in the 1960s and cannot do so today.

RFRA explicitly contemplates that Congress would exempt certain laws from its application.

The clarifying language in the Equality Act is necessary to ensure that courts do not misinterpret the intended interaction between RFRA and our civil rights laws.

RFRA will still be available to address burdens on religious beliefs and practices in other contexts.

And any individual or organization that is concerned that their religious beliefs or practices are being unjustly burdened retains the ability to bring a claim under the First Amendment.

The time has come to extend the full blessings of equality and the majesty of the law's protection to all of our brothers and sisters, including those in the LGBTQ community.

Mr. Speaker, it been said that "the moral arc of the universe is long but bends toward justice."

Today, with passage by this House of H.R. 5, the Equality Act, we bend that arc even more in the direction of justice.

I am proud to be an original cosponsor of this life-changing and life-affirming legislation and urge all members to stand on the right of history and vote for its passage.

Mr. COLLINS of Georgia. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. SPANO).

Mr. SPANO. Mr. Speaker, I happen to be a Christian, and I am grateful. I am grateful to have been born in a nation where my beliefs and those of every other American are legally protected by our Constitution.

It is no coincidence that the very First Amendment to the Constitution guarantees religious liberty. Our Nation was settled by men and women from all over the world with divergent beliefs and conviction. We were Catholics, Puritans, Lutherans, Jews, Baptists, Hindus, Anglicans, Quakers, and Muslims.

This rich and diverse cultural melting pot was the soil in which the guarantees of the First Amendment were planted, sprouted, and grew very strong. And over these last 230 years, the freedom of Americans to worship and believe as their conscience and

their God dictates has become deeply and firmly rooted in our Nations's heritage, laws, and jurisprudence. But although deeply rooted, I fear we have forgotten and neglected its fundamental importance.

The First Amendment was adopted long ago, but freedom—freedom—is always a new idea. Coretta Scott King wisely said: "Freedom is never really won. You earn it and win it in every generation."

H.R. 5 is bad for freedom. You see, it would immediately expose churches, religious schools, and universities and faith-based organizations to legal liability for simply following their earnest beliefs. It would essentially allow the government to place its hard and unyielding fist inside the church walls to force compliance with the convictions and dictates of the State instead of the church.

H.R. 5 is bad for freedom. It would force small businesses, small business owners all across this country to provide services or products to the public that may violate their deeply held, faith-based convictions, again, allowing the State to essentially impose from above, top down, its own moral codes and rules in place of those of the individual.

H.R. 5 is bad for freedom. It is a large leap backward for parental rights, pitting physicians against parents, the genuine religious convictions of parents when their child seeks life-altering, irreversible sex reassignment treatment before that child has even developed physically or emotionally, once again, government inserting its rigid fist and iron will, this time, directly into the family unit.

H.R. 5 is bad for freedom. It would, in one fell swoop, deliver a crushing blow to the base of the tree of religious liberty, the tree that has grown strong and provided shade and protection for many for so long.

Mr. NADLER. Mr. Speaker, anybody who says that this bill would dictate to the churches what they may preach or practice doesn't know what he is talking about.

Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. JEFFRIES), the chair of the Democratic Caucus and a senior member of the Judiciary Committee.

Mr. JEFFRIES. Mr. Speaker, I thank the distinguished chair, and I thank my good friend, DAVID CICCILLINE, for his extraordinary leadership on this incredibly important legislation.

The words, "We hold these truths to be self-evident, that all men are created equal," were eloquent in their articulation but incomplete in their application.

As the legendary Barbara Jordan once observed, those words did not originally apply to African Americans; they did not apply to people of color; they did not apply to Native Americans; they did not apply to women; they did not apply to members of the LGBT community.

We have come a long way here in the United States of America, but we still have work to do.

If you truly believe in liberty and justice for all, support the Equality Act.

If you truly believe in equal protection under the law, support the Equality Act.

If you truly believe that everybody is created equal and that we are all God's children, then support the Equality Act.

Love does not discriminate, and neither should the law, regardless of sexual orientation and regardless of gender identity. It is time to support the Equality Act, and let's continue our Nation's long, necessary, and majestic march toward a more perfect Union.

Mr. COLLINS of Georgia. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. COMER).

Mr. COMER. Mr. Speaker, I rise today representing a district in which school sports are at the heart of community gatherings.

In Kentucky, basketball is a way of life. In my district, students practice their whole life to have the chance to attain athletic scholarship opportunities from universities they would otherwise be unable to attend. These students go on to accomplish great things and give back to their communities because of the scholarships they gain from athletic competition.

This legislation would essentially subvert the purpose of gender divisions in these competitions by allowing biological males who identify as female to compete against girls in the same division. We have already seen instances where young women were denied scholarship opportunities because biological males competed in the same category with them and placed higher on the podium in track competitions.

A bill with a name like the Equality Act sounds like a bill that in some way advocates for all people. That is what we strive for in this country: equality before the law. That is why, over the more than two centuries this country has existed, we have, thankfully, updated our laws to right wrongs and bring us closer to treating all people with the dignity they deserve.

But as I look at H.R. 5, I am deeply troubled, and I believe most Americans would be deeply troubled by what is really there.

I serve as ranking member for the Civil Rights and Human Services Subcommittee for the Committee on Education and Labor. In our subcommittee, we held a hearing on the Equality Act, and what became abundantly clear was that this legislation would alter Federal nondiscrimination law in ways that would have unintended effects we cannot know today.

This bill is following in the tradition of others we have seen so far throughout this Congress: a clever name, an allegedly noble purpose, but a vehicle for serious, harmful consequences.

Equality and freedom must coexist. H.R. 5 totally redefines one and delivers a serious blow to the other.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to gentleman from Maryland (Mr. RASKIN), a distinguished member of the Committee on the Judiciary.

Mr. RASKIN. Mr. Speaker, I want to strike a bipartisan note and invoke a Republican President who made America truly great, Abraham Lincoln, who served in this body and spoke of government for the people, by the people, and for the people—all the people.

In 1964, our predecessors in the House stood here and voted 333-85 to pass the Civil Rights Act of 1964. The vast majority of Democrats and the vast majority of Republicans voted for it, and we changed America by bringing down the walls of racial and ethnic discrimination in employment, housing, public accommodations, and education.

Our predecessors rejected the familiar hysterical arguments that equal rights for African Americans in restaurants and hotels and at lunch counters meant discrimination against the religious rights of the owners of the restaurants and the motels and lunch counters, which is precisely the argument that was made back in that day.

Today, we legislate equal rights under the exact same act for millions of Americans in the LGBT community. This is a triumphant and glorious moment for the House of Representatives and for the United States of America.

But our friends who now occupy the seats of Lincoln's party tell us that children will be able to get surgery without their parents' consent. This is false, and this is propaganda.

Every State in the Union requires parental consent before their minor children get surgery, and nothing in this act will affect any of the States' laws in any way with respect to parental consent.

Let's honor Abraham Lincoln. Let's honor the best traditions of the United States of America. Let's bring down the walls of discrimination against all Americans. Let's pass the Equality Act.

Mr. COLLINS of Georgia. Mr. Speaker, I yield 4½ minutes to the gentleman from Missouri (Mrs. HARTZLER).

Mrs. HARTZLER. Mr. Speaker, I rise today in strong opposition to H.R. 5, a deceptively named bill that is anything but equalizing. In fact, this bill legalizes discrimination, government-imposed, top-down discrimination against those with time-honored views of marriage and gender.

This bill should be renamed the "Inequality Act," as its policies at the State level have already been used to eliminate safe spaces for women, irreparably harm children, trample parental rights, undermine the free exercise of religion, and dismantle female athletics.

As a mother, teacher, and former track coach, I am deeply concerned about the implications of this bill on and off the playing field.

Title 9 of the Civil Rights Act, the provision guaranteeing girls the same

educational opportunities as boys and which launched competitive female sports into the arena, is rendered irrelevant and outdated under the Inequality Act.

□ 1015

Under H.R. 5, high school female athletes will miss competitive opportunities because boys take home the medals.

Selina from Connecticut trained hard, set goals, and persevered, but she couldn't overcome the biological advantage men have over women when two biological boys who identify as female outpaced her in a recent girls' track meet.

On average, there is a 10 to 12 percent performance gap between elite males and elite females in athletics. The gap is smaller between elite females and nonelite males but still insurmountable. It is no surprise that men are taking home the gold in women's sports.

In future Olympics, it would only take three biological males who identify as female to prevent the best female athletes from reaching the medal stand and eight to keep them off the track entirely.

If we continue down this track, how long will it be before nations recruit men identifying as female to out-medal other countries and ultimately uproot the ancient tradition of the Olympics?

To put in this perspective, Olympic, world, and U.S. champion Tori Bowie's 100-meter lifetime best time was beaten 15,000 times by men and boys. In another case, Olympic, world, and U.S. champion Allyson Felix's 400-meter lifetime best was outperformed more than 15,000 times by males.

In case after case, men identifying as women are outcompeting, outrunning, outfighting, and outcycling women. Welcome to the brave new world of women's sports under H.R. 5.

The importance of Title IX is found not just on the field. As Duke law professor Coleman testified before the House Judiciary Committee, "Tens of thousands of girls and women are now eligible for college scholarships, ensuring educational opportunities that for many wouldn't be realistic otherwise."

Unfortunately, H.R. 5 erases these educational opportunities, further disenfranchising women. Women-only scholarships would be a thing of the past if this bill passes.

Mr. Speaker, either we want a level playing field for American women or we don't.

I remind my colleagues that next week marks the centennial anniversary of this Chamber's historic passage of the 19th Amendment granting women the right to vote. It is an honor and a privilege for me to stand here on this House floor 100 years later celebrating this milestone.

I find it eerily ironic that today many of my colleagues will exercise their 19th Amendment right to turn back the clock on women and girls across this country.

A vote for this bill is a vote against women. Members from both sides of the aisle, especially those who claim to be pro-women and pro-child, need to stop this devastating legislation. The future of our girls' rights, privacy, protection, and athletic potential depends on it.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. GARCIA), a distinguished member of the Judiciary Committee.

Ms. GARCIA of Texas. Mr. Speaker, I rise today in full support of H.R. 5, the Equality Act. We have made much progress in recent years, but the reality is that many still face discrimination because of who they are and whom they love.

As has been well-documented during the legislative record for H.R. 5, there are currently no Federal protections for LGBTQ people in the United States. So let's refocus on what this bill is really about.

In 30 States, LGBTQ people can be fired, refused housing, or denied services simply because of who they are. The Equality Act would greatly extend civil rights for this community, providing protections across key areas of life, including employment, housing, credit, and jury duty.

In Texas, that means having explicit protections for LGBTQ people for the first time in our history. Updating Federal law will tear down barriers to prosperity and lead to better outcomes for our families, neighbors, and loved ones.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. NADLER. Mr. Speaker, I yield an additional 30 seconds to the gentlewoman from Texas.

Ms. GARCIA of Texas. Mr. Speaker, this legislation will benefit nearly 1 million LGBTQ Texans and countless other Americans.

Finally, in Texas, when we say y'all, we will mean all.

Mr. Speaker, I want to add that as a woman and as a Catholic, I know I am not forfeiting any of my rights, not my women's rights or my religious rights. We need to go back and make sure that we pass this bill because for once, when we say justice for all at the end of our pledge, it should mean justice for all.

Mr. COLLINS of Georgia. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I appreciate the efforts of my friends across the aisle who believe that they are acting on behalf of equality. I realize that they believe that their way of approaching things includes much more wisdom than that of Moses, who is the only great lawgiver depicted in this Chamber with a full face rather than a side view.

I would only submit we are not wiser at this time than Moses. I have heard comments from my friends, including my friend the former law professor saying he was impressed with the ability of the courts to sort out these civil rights issues.

But as my friend Justice Scalia once told me: If you guys are going to screw up legislation over in Congress, don't come running to us all the time because you don't know how to make laws that are fair.

That is what we have here. In an effort borne out of the best intentions, we want to help the feelings of people who are gender confused or just suffering gender dysphoria, the opposite of euphoria. We don't want to hurt their feelings.

We are told that 25 percent of all women will suffer sexual assault. The literature is clear that women suffer post-traumatic stress disorder after sexual assault at three to four times the rate that soldiers do, and that they are traumatized and retriggered by being in a confined space like a dressing room or a restroom when a biological man comes into that private area.

We are going to say to those women: You know what? You have just got to get over your trauma because for the less than 1 percent who though a biological man but think they may be a woman, so they are confused gender-wise, we don't want to hurt their feelings. So you are just going to have to get over your trauma.

This is what is going on here. If you look at the battered women shelters around this country, who pays for most of those? It sure appears to me, for the ones I see, they are Christian, Salvation Army, Catholic. I have been told by many of these folks: We are just barely surviving financially. This will force us to change our accommodations, and we will go out of business.

We believe, as Christians, that Moses had it right on males and females. Although there are people wiser in their own eyes than Moses and Jesus, who said exactly verbatim what Moses did, if an orthodox synagogue says, "You know what? We think men should be rabbis," but they don't hire the biological woman who says, "I feel like I am a man today," then they can be sued. But this bill gives not only the claimant the ability to sue but also allows the Attorney General to come in with the full force of the United States Government and destroy that synagogue or that Christian organization.

I know there are people here who think, "I do a whole lot more good than these Christian organizations," but do you really?

This is borne out of good intentions, but it is going to be so destructive to common sense and to people, to women who have been hurt. As we heard in our committee from the second woman to get a scholarship under Title IX, you are going to destroy women's scholarships.

She had a chart there. The three top times for the 400-meter in the Olympics of 2016, she said there are thousands of men who have better times. I know my friends said in the hearing, "Gee, we know that men would never act like a woman just to get a massive amount of money and scholarships."

I don't want to hear the majority say later, "Wow, we really didn't think that would happen." It is already happening.

If we are going to preserve the gains made by women under Title IX, this needs to fail and not become the law. To preserve what we have already done in the way of gains for women, I urge a "no" vote.

Mr. NADLER. Mr. Speaker, I yield 1 minute the gentlewoman from California (Ms. PELOSI), the distinguished Speaker of the House.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding. I am so proud that the gentleman is in the Chair, as well as others who will preside in the course of this historic debate today, ANGIE CRAIG being one of them.

Mr. Speaker, I thank the distinguished chairman of the Judiciary Committee for giving us this opportunity today to expand freedom in America.

I commend Congressman CICILLINE for his extraordinary leadership, his courage, and his persistence in introducing this legislation that is so important to our country, and doing so with the support of the Congressional Black Caucus. To see him standing there with the rest of us, honored to join Congressman JOHN LEWIS on the day of announcement a while back, a year and a half, 2 years ago, and now in the majority for us to have the privilege to bring this legislation to the floor, I thank Congressman CICILLINE for being a champion of equality in our country.

Again, I salute the Congressional Black Caucus, JOHN LEWIS, and so many others, including Mr. CLEAVER, who will speak later today.

It is a deeply powerful moment to be on this floor to talk about this important legislation. What I would like to do is take the opportunity in the time that I will use to salute the countless activists, advocates, outside organizers, and mobilizers who have courageously demanded the full fairness and justice that are the rights of all Americans.

On this floor, many of us, including Mr. HOYER, we all go way back when we sparred for funding for HIV and AIDS. We were successful not only because of our inside maneuvering but because of the outside mobilization.

We were successful in passing fully inclusive hate crime legislation. Barney Frank led the way for us inside, but the outside groups were mobilizing, mobilizing, mobilizing.

Under the leadership of President Barack Obama—and we salute him for it—we were able in the Congress in the majority to pass the repeal of Don't Ask, Don't Tell, to put that into the dustbin of history. It was successful because of the activism of our outside groups and advocates.

Then, of course, the horrible Defense of Marriage Act, I don't know what marriages they were defending, but the

Defense of Marriage Act that was proposed by some of our colleagues on the other side of the aisle, the Supreme Court gave us that answer about justice in our country.

Then there was the ending of the hateful ban on transgender military service.

For this Congress, this has been the scene where we have fought the fight on legislation, fought the fight to present the case in the court of public opinion and to bolster the case in the Supreme Court.

On this monumental day, my thoughts are with Phyllis Lyon and the late Del Martin, who shared their lives together for decades. They were mentors for civic engagement to many of us in San Francisco for decades. Some of that civic engagement related to LGBTQ rights. They were an inspiration, as I say, to many of us.

People say to me, "It is easy for you to be for some of these things because you are from San Francisco. People are so tolerant there." I say, "Tolerant? That is a condescending word to me. This is not about tolerance. This is about respect of the LGBTQ community. This is about taking pride."

That is what we do today. For Phyllis and Del and other older LGBTQ couples, LGBTQ workers striving to provide for their families, for the young people, the LGBTQ youth, this is a transformative moment.

Fifty years after LGBTQ Americans took to the streets outside of New York's Stonewall Inn to fight against harassment and hate, we take pride in the progress we have forged together.

Our Founders, in their great wisdom, wrote in our beautiful preamble of the blessings of liberty, which were to be the birthright of all Americans.

□ 1030

To bring our Nation closer to the founding promise of liberty and justice for all, we today pass the Equality Act and finally fully end discrimination against LGBTQ Americans. LGBTQ people deserve full civil rights protection in the workforce and in every place, in education, housing, credit, jury duty service, and public accommodations. No one should be forced to lose his or her job, their home, or to live in fear because of who they are and whom they love.

This is personal. It is not just about policy. It is about people. Earlier this year I received a letter from a trans woman living in San Francisco who has faced threats, stalking, and harassment because of who she is.

She says in her communication:

The fear is very much there. All I want to do is live my life like anyone else. Please keep seeing me.

Today and for all days, we say to all of our friends: We see you, we support you, and we stand with you with pride.

We look forward to a swift, strong, successful, and, hopefully, strongly bipartisan bill today for equality. This is not just an act of Congress that we are

taking for the LGBTQ progress to the community. This is progress for America.

Mr. Speaker, I urge an "aye" vote.

Mr. COLLINS of Georgia. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. STEUBE).

Mr. STEUBE. Mr. Speaker, I rise today in opposition to H.R. 5.

To begin, I would like to echo the comments of my colleagues and express my deep concern for the grave consequences this bill would have for religious freedom. This bill would deny religious organizations their religious liberty rights guaranteed under the Religious Freedom Restoration Act of 1993 and force many religious institutions to go against their beliefs or risk being in violation of the law. As a nation we cannot turn our back on our religious liberties.

Now, while the religious freedom aspects of this legislation are by far the most egregious, there is also another area of serious concern—the effects of the legislation on female athletes at all levels of sporting competition across our country.

Twice during the consideration of this bill, I have offered an amendment to ensure that our daughters are provided an equal playing field in sports for generations to come and that female athletes are not competing against male athletes for athletic scholarships and title IX funding. And twice partisan politics have stopped this commonsense proposal from being added to this bill.

This provision would have simply guaranteed that biological women are not forced to compete against biological men at all levels of athletic competition. Science has proven time and time again that there is a significant performance difference between biological males and females from puberty onward.

From percentage of lean muscle, to heart size, to body fat, to joint angles, the bodies of men and women are distinctly unique and produce a vast difference in performance ability when it comes to certain activities. In fact, there is an average 10- to 12-percent performance gap between elite biological male and female athletes.

These differences are largely due to the large influx of testosterone males receive during puberty. Science is very clear here—there is no doubt that testosterone is the reason that biological men, as a group, perform better than women in sports. That is why both men and women dope with androgens that are high in testosterone.

On average, in elite biological male athletes, there is 30 times more testosterone present, leading to physical characteristics that almost guarantee a higher rate of success in sporting events. But don't take my word for it.

Here are examples: CeCe Telfer, a biological male, won three titles in the Northeast-10 Championships for women's track and received the Most Outstanding Track Athlete award.

Fallon Fox, a biological male, shattered female fighter Tamikka Brents' eye socket and gave her a concussion. Brents said she never felt so overpowered in her life.

Gabrielle Ludwig, a 50-year-old, 6-foot-8-inch, 230-pound biological male led the Mission College women's basketball team to a national championship with the most rebounds.

The list goes on and on. I, for one, don't think it is fair or equal to make young, biological women compete against biological males. This bill claims to fight for equality, but it seems to be far from equal for the young, female athletes across our country.

Mr. Speaker, I urge my colleagues to vote against this bill.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. STANTON), who is a distinguished member of the Judiciary Committee.

Mr. STANTON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of H.R. 5, the Equality Act. I want to thank my friend and fellow recovering mayor, Congressman CICILLINE, for his strong and unwavering leadership on this historic civil rights legislation.

When it comes to equality, there is no doubt that we have come a long way. But following the landmark Supreme Court ruling that legalized gay marriage in all 50 States, the hard truth is that discrimination based on sexual orientation is still permitted under the law.

LGBTQ individuals face this reality every day—that they may receive different, unfair treatment in employment, housing, public accommodations, public education, and more. We are better than that. We are a nation that believes all are created equal, that this truth is self-evident.

I rise today in fervent support of the Equality Act because everyone should be treated equally no matter who they are, whom they love, or how they express themselves. Whether you are in Phoenix or Philadelphia, Mesa or Montgomery, you deserve to be seen, to be heard, and to be welcomed.

Mr. COLLINS of Georgia. Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. MCADAMS).

Mr. MCADAMS. Mr. Speaker, I would like to ask Mr. CICILLINE if he will engage with me for the purpose of a colloquy.

Mr. CICILLINE. Will the gentleman yield?

Mr. MCADAMS. I yield to the gentleman from Rhode Island.

Mr. CICILLINE. Yes, I would be happy to engage my colleague from Utah.

Mr. MCADAMS. Mr. Speaker, I want to confirm and clarify in our debate today that H.R. 5 does not change our Nation's longstanding First Amendment right to free religious exercise, speech, and association.

I understand that houses of worship will not be affected in their religious observances by the public accommodations provisions in H.R. 5. The current exemption in title II of the Civil Rights Act remains in place, so chapels, temples, synagogues, mosques, and other houses of worship will continue to have legal certainty to practice their religion, conduct services, and affiliate with fellow members of their religion, as well as engage and welcome others not of their faith in their houses of worship for religious activity or faith practice, as they do now.

Mr. CICILLINE. Yes, that is correct. H.R. 5 adds protected classes to title II of the Civil Rights Act but does not revise the exception for private establishments not open to the public, meaning houses of worship can continue their practices as before, including limiting admission or attendance to members of their faith.

Mr. McADAMS. To also clarify, is it your understanding nothing in H.R. 5 compels a clergy member to perform a religious ceremony in conflict with their religious beliefs?

That is, faith groups can continue to perform marriages, blessings, baptisms, and other practices for their own members and consistent with their beliefs, consistent with their First Amendment rights, correct?

Mr. CICILLINE. Yes. H.R. 5 does not, nor could any legislation, supersede the First Amendment. H.R. 5 allows the standard set by prior civil rights law to not interfere with worship and religious practices by religious organizations.

Mr. COLLINS of Georgia. Mr. Speaker, I yield myself 1 minute to just basically respond to that colloquy, because it is really interesting because none of us, especially myself, has said anything about houses of worship. We do know that is the bridge too far.

What we are concerned about in the bill is where it says any of these groups, affiliations, Catholic affiliations, Jewish affiliations who get Federal money to do other things, they would come under this, and this is where the RFRA protections is something.

So, the conversation here was nice. It provided a great cover, but it did not answer the question that many of us have asked in this process as we go forward. So I get that.

Also, as we look at this further, this is why we have asked to see if we could do this in a different way and do it in a better way to define these terms and to protect all parties in this, and not just run hastily into something that could cause problems in the future.

This colloquy was nice but did not answer the underlying question.

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Oregon (Ms. BONAMICI).

Ms. BONAMICI. Mr. Speaker, I rise today in strong support of H.R. 5, the Equality Act.

I chair the Education and Labor Committee's Civil Rights and Human Services Subcommittee, and in our hearing on this important bill, we heard powerful testimony from Kimberly, the mother of Kai, an 8-year-old transgender girl. Kimberly is an evangelical minister from rural Texas. Her family and Kai's school were not supportive, and, in fact, school administrators made derogatory comments about Kai.

Kimberly testified that, regrettably, she gave into pressure and attempted home conversion therapy on Kai when Kai was only 4 years old. One day she found Kai praying for Jesus to take her home to be with Him forever.

Let me say that another way: A 4-year-old was suicidal.

Kimberly is now today a fierce advocate for her daughter's rights and the rights of all transgender kids to go to school in a safe and supportive environment. This bill will secure that right for all the kids like Kai around the country and will secure the right to be free from discrimination for millions of LGBTQ people in our country.

I want to close with the words from Federal Judge Michael McShane, and his marriage equality opinion. He wrote: "Many suggest we are going down a slippery slope that will have no moral boundaries. To those who truly harbor such fears, I can only say this: Let us look less to the sky to see what might fall; rather, let us look to each other and rise."

Mr. COLLINS of Georgia. Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Ms. STEVENS).

Ms. STEVENS. Mr. Speaker, I rise today in a jubilant manner, because every American deserves to be treated equally under the law.

I rise today in support of the basic and common principles enshrined in our Constitution, of liberty and justice for all, that no person shall be denied or be discriminated by their sexual orientation.

I rise today in support of the Equality Act that we must proudly pass today led by my friend, DAVID CICILLINE.

For in this country, in this year, 2019, we must choose acceptance to grow our economy and to promote the general welfare.

I rise because it is time to pass the Equality Act for full civil rights protections for all LGBTQ Americans. So many sacrificed so I could stand here today and speak these words. Passing this bill will send a powerful, bipartisan message to members of the LGBTQ community that they are not second-class citizens.

Today we must vote to pass the Equality Act.

Mr. COLLINS of Georgia. I reserve the balance of my time, Mr. Speaker.

Mr. NADLER. Mr. Speaker, I yield 1½ minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, as a proud member of the LGBTQ Equality Caucus, I rise in strong support of the Equality Act, a bill championed by my good friend and fellow Rhode Islander, Congressman DAVID CICILLINE.

Mr. Speaker, every person deserves to be treated equally, no matter who they are or whom they choose to love. But the simple fact of the matter is that LGBT Americans face discrimination in this country every day, whether it is in the workplace, the foster care system or the housing market.

Mr. Speaker, discrimination is never justified, and we cannot let it stand. As a person who lives with a disability, I know what discrimination feels like. I have experienced discrimination many times in my life. I don't like it when it happens to me, and I don't want it to be experienced by anyone else. It is just plain wrong.

So, Mr. Speaker, let's celebrate our diversity by promoting a culture of tolerance, inclusion, and acceptance, instead of one of fear and hate. Let's treat LGBT people with the dignity and respect that they deserve. Let's honor the strength and the courage of the LGBT people throughout history, and let's pass the Equality Act to forever secure the civil rights of members of the LGBT community.

Mr. Speaker, I thank my colleague, Congressman CICILLINE, for his leadership on this issue.

Mr. COLLINS of Georgia. Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Mr. Speaker, I want to thank Chairman NADLER for yielding and for his tremendous leadership on this issue.

Also, I have just got to acknowledge and thank Congressman DAVID CICILLINE for his steady and strategic leadership in bringing this bill to the floor. I, too, was at the first press conference with our great warrior, JOHN LEWIS, and it has been so exciting and uplifting to see the progress and the process in bringing this bill to the floor.

□ 1045

Mr. Speaker, as a cofounder of the LGBTQ Equality Caucus, along with our dear former colleague Congressman Barney Frank, I rise today in support of H.R. 5, the Equality Act. This critical bill, of course, would end discrimination against LGBTQ Americans once and for all.

Now, as an African American woman, it is my moral responsibility to fight discrimination wherever and against whomever it raises its ugly head. The Equality Act will ensure that there is clear, lawful protection for LGBTQ Americans under the Civil Rights Act. What is more, this bill will ensure that no one lives in fear because of their gender identity or sexual orientation.

Let me be clear. It is un-American that in 30 States it is still legal—mind you, legal—to discriminate against LGBTQ Americans in employment, in housing, in education—in every aspect of their lives.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. NADLER. Mr. Speaker, I yield the gentlewoman an additional 30 seconds.

Ms. LEE of California. Mr. Speaker, this discrimination disproportionately affects LGBTQ people of color. This is a shame. Discrimination must end against everyone.

And, yes, Mr. Speaker, as a person of faith, my religion teaches me to love thy neighbor as thyself and to do unto others as you would have them do unto you. So let's pass the Equality Act today so there will be, truly, liberty and justice for all.

Again, I thank Congressman DAVID CICILLINE for this today.

Mr. COLLINS of Georgia. Mr. Speaker, I yield 1 minute to the gentleman from Utah (Mr. STEWART).

Mr. STEWART. Mr. Speaker, I thank the chairman and others who have worked on this.

Mr. Speaker, I am so disappointed in this legislation. I have been involved, in my time in Congress, with leaders from various LGBTQ and other organizations representing good people, as well as religious leaders, in an effort to find common ground to satisfy two important priorities.

Yes, of course—of course—we should treat each other with fairness and with dignity. I believe that all people in America should live their lives free of any discrimination. But we also have to defend the first freedom, the foundational liberty, the amendment and the principle upon which all other liberties are based.

People of faith, who are also good people, deserve to have the right to express their sincerely held religious beliefs without compulsion from the Federal Government.

This bill, unfortunately—and more than unfortunately. I mean sadly, disappointingly, this bill makes absolutely no effort to do that. It makes no effort to find common ground.

What a wasted opportunity.

Mr. NADLER. Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Mr. Speaker, first of all, I want to rise in support of H.R. 5, Mr. CICILLINE's bill, the Equality Act.

I rise today as a Christian. Mr. Speaker, this bill will extend the legal protections provided by the Equal Protection Clause of the United States Constitution as well as the Civil Rights Act against discrimination based on sexual orientation and gender identity.

And may I say that it is about time.

This groundbreaking legislation specifically bans wrongful, hurtful discrimination in housing, employment, education, and other business and government sectors based on sexual orientation and gender identity.

Individuals from the LGBTQ community are our fellow Americans. Many of them are Christians. They are our brothers and sisters. And it is, indeed, shameful that it has taken this very long to provide them with equal protection under the law.

The Declaration of Independence is, again, a guide. It is instructive as it reminds us: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights."

In closing, none of that can happen without equal treatment under the law.

"All" means all. "Equal" means equal. Let's vote for equality.

Mr. NADLER. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Maine (Ms. PINGREE).

Ms. PINGREE. Mr. Speaker, I thank the chair for yielding the time, and I want to thank my friend, colleague, and fellow New Englander, Mr. CICILLINE, for his courage, his perseverance, and, frankly, his political talents at moving this bill forward and bringing us here today. And I am not going to cry in my minute.

I am proud that my home State of Maine is among the 21 States that has already enacted these protections. For almost 15 years, Mainers have stood against bigotry to provide equal access to housing, employment, and public establishments for our LGBTQ community.

And, guess what. The sky did not fall when we passed protections, and, in fact, our State is a better, more inclusive place because of it. Having guaranteed civil rights for our LGBTQ neighbors means we value the health, safety, and dignity of every Mainer.

But LGBTQ Mainers should have the same rights they enjoy in our State when they are outside of our State. This Congress must stand together in recognizing the humanity and the civil rights of all LGBTQ people, wherever they may live or travel.

The Equality Act will ensure LGBTQ citizens have equal access to employment, education, housing, credit, and all public services—public services which their tax dollars fund, by the way.

It is time to extend these civil rights to everyone, no matter who they love or how they identify. I urge my colleagues in the House to recognize that we must equally protect all members of our community under the law.

Let's pass the Equality Act.

Mr. COLLINS of Georgia. Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. SHALALA).

Ms. SHALALA. Mr. Speaker, in Florida and many other States, LGBTQ Americans are still at risk of being fired, evicted, and denied services because of their sexual orientation or gender identity.

LGBTQ people confront discrimination throughout their entire lives, from

harassment that youth face at school to the bias that older, same-sex couples experience when they are denied housing in retirement communities.

In the gallery today is Christian Bales, an openly gay and gender-nonconforming student who was barred from delivering his valedictorian speech at his high school on account of his sexuality. Two nights ago, Christian was honored with the 2019 Hugh M. Hefner First Amendment Award for Education.

Today, we will take a crucial step in standing up for people like Christian by passing H.R. 5.

Mr. Speaker, 2019 is the 50th anniversary of the uprising at Stonewall and the birth of the modern LGBTQ movement. There is no better way to honor the decades-long struggle for dignity and equality for LGBTQ people than for our elected leaders in Congress to pass this legislation.

I am proud to support H.R. 5.

The SPEAKER pro tempore. Members are reminded not to reference occupants of the gallery.

Mr. COLLINS of Georgia. Mr. Speaker, I continue to reserve the balance of my time.

Mr. NADLER. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from New York has 10½ minutes remaining.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, too many Americans face severe discrimination because of whom they love.

LGBTQ rights are civil rights. They are human rights.

Participating and contributing equally, regardless of gender identity or sexual orientation, brings us closer to the self-evident truth that, while we are not all created the same, in a just democracy, we are all created equally.

Despite State Republican hostility, City of Austin ordinances have long protected against the same discrimination we are combating today. City contractors have complied with these ordinances, whose requirements set the standard for our community.

Both Austin and San Antonio enjoy perfect municipal Equality Index scores from the Human Rights Campaign. With this bill, we set the same type of standard for our entire country.

Mr. Speaker, 1,400 businesses in the Texas Competes coalition have sent a clear message in favor of inclusion and against discrimination.

We need strong Federal enforcement. That is what this bill does.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NADLER. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. DOGGETT. Mr. Speaker, we need strong Federal enforcement since local governments have imperfect tools and often have been stifled by narrow-minded State legislatures.

No American's civil rights should depend upon their ZIP Code. Don't stand in the doorway. Let's pass the Equality Act today.

Among many who have been strong advocates for this act, I particularly honor Sam Smoot and Robert Salcido with Equality Texas; Julian Tovar and Sissi Yado with the Human Rights Campaign; and, of course, our colleagues, Congressman CICILLINE and Congressman POCAN.

Mr. COLLINS of Georgia. Mr. Speaker, I continue to reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ENGEL), the chair of the Committee on Foreign Affairs.

Mr. ENGEL. Mr. Speaker, I rise today in strong support of H.R. 5, the Equality Act.

Currently, it is legal to fire an individual, prevent access to credit, and even deny or evict someone from their home just because they are LGBTQ.

The Equality Act will guarantee Federal protections by ensuring the LGBTQ community is provided full protections under Federal civil rights laws. No longer will our fellow Americans be deprived from buying a home, fired from their job, or denied a meal in a restaurant just because of who they are.

I am as pleased to help pass this landmark bill today as I was back in 1996 when I voted against the discriminatory DOMA, or, so-called, Defense of Marriage Act.

I urge my colleagues to join me in support of this bill.

Mr. COLLINS of Georgia. Mr. Speaker, I continue to reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, it is a fundamental precept of our beautiful country that we have equality for all. But, sadly, in this Nation, we have not had equality for every person until now.

Two-thirds of the LGBTQ community have faced discrimination, and this is simply wrong, and it is simply un-American.

I thank Mr. CICILLINE for bringing this important piece of legislation to the floor.

How ironic that my LGBTQ constituents can get married to each other but still, in 29 States, can be discriminated against in their jobs, in public education, and even in their jury service.

This is wrong; this is un-American; and today's bill, the Equality Act, rights this wrong that has been so long in coming.

I congratulate everybody.

I urge all of my colleagues to send a strong bipartisan statement: This is America; everybody has equal rights in all areas.

□ 1100

Mr. COLLINS of Georgia. Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. NEGUSE), a distinguished member of the Judiciary Committee.

Mr. NEGUSE. Mr. Speaker, I thank the chairman of the Judiciary Committee for his leadership, and, in particular, Representative CICILLINE for his courage and his leadership in bringing this bill to the floor.

It is long past time that we end discrimination against those in the LGBTQ community in our country, and that is why I am so proud to support the Equality Act.

Fairness, equality—these are core American values. And yet today, in many States across the United States, Americans can be fired, can be denied a mortgage, or they might struggle in being able to obtain housing, all because of their sexual orientation or gender identity.

That ends with the passage of the Equality Act. Every American is equal under the law.

And so I would say to my friends at Out Boulder County back home, thank you for your activism. To my friends at One Colorado, thank you for your activism. To every LGBTQ American who has stood up and has fought for equality over a generation, I say thank you.

And to the Members gathered here today, I implore you: Let's join together, and let's pass the Equality Act today and end discrimination once and for all.

Mr. COLLINS of Georgia. Mr. Speaker, I continue to reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentlewoman from Pennsylvania (Ms. DEAN), a distinguished member of the Judiciary Committee.

Ms. DEAN. Mr. Speaker, there are hard votes and there are easy votes. The hard votes involve competing values and difficult tradeoffs; the easy ones give us a chance to express our core American values loudly and clearly.

H.R. 5 is the right vote, and I thank Representative CICILLINE for his hard work and his heart in bringing this piece of justice to us.

In most States, same-sex couples can be denied service in restaurants, fired from jobs, and evicted from homes with no legal recourse. In other words, they can be mistreated or discriminated against, and their government won't stand up for them.

H.R. 5 will end that. This bipartisan legislation will ban discrimination against LGBTQ people in housing, employment, credit, public accommodations, and so much more. It says that we don't care who you love, but we do care that you are treated with decency and respect.

This legislation takes us the next step in a long American tradition of expanding civil rights and protections. It affirms that, in this country, there is no "us" and "them," it is just us.

This is a historic day. I am proud to be a part of it. Let's cast aside old prej-

udices and cast a vote for justice and equality.

Mr. COLLINS of Georgia. Mr. Speaker, I continue to reserve the balance of my time.

Mr. NADLER. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore (Mr. SEAN PATRICK MALONEY of New York). The gentleman from New York has 5 minutes remaining.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentleman from New Mexico (Mr. LUJÁN).

Mr. LUJÁN. Mr. Speaker, I rise today in support of the Equality Act because equality and fairness are core American values.

Right now, fairness is not codified in our justice system, and it is long past time to end discrimination.

When half of Americans live in a State without legal protections for LGBTQ individuals, that is not equality.

When LGBTQ Americans can be fired, evicted, and discriminated against because of who they are, who they love, or how they identify, that is not justice.

The opportunity before us is a historic one. I want to thank my colleagues who have led the effort to bring this bill to the floor.

My colleagues who vote "no" on this will be judged.

Mr. Speaker, this is something that we should be working on together. We will pass the Equality Act for the dignity of all Americans.

Mr. COLLINS of Georgia. Mr. Speaker, I continue to reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia (Mr. LEWIS), the conscience of the House.

Mr. LEWIS. Mr. Speaker, I thank my friend from New York for yielding.

I thank DAVID, my friend and my brother, for his leadership.

Today is May 17. On May 17, 1954, the United States Supreme Court issued a decision. I remember that decision. I was 17 years old. I thought I would be attending the segregated school. It never happened for me.

Today, on this day, we have an opportunity to send a message now, to help end discrimination in our country and set all of our people free.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

Mr. COLLINS of Georgia. Mr. Speaker, I continue to reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), the distinguished majority leader of the House.

Mr. HOYER. Mr. Speaker, I regret that the Chamber is not full of Members or that the gallery is not jammed with people, for this is a historic day.

Many Members have quoted that extraordinary doctrine of civil rights and human rights articulated by our Founders 243 years ago: "We hold these truths to be self-evident." I tell people that they may be self-evident, but they are not self-executing.

Today, we will take another step in a long journey toward a more perfect Union. Today, we will take a step, and, hopefully, it will be as it was in 1957 when we passed the Civil Rights Act that year; hopefully, it will be as it was in 1964 when we passed that civil rights bill; and, hopefully, it will be as we voted on the Disabilities Act in 1990.

All of those bills were passed in a bipartisan fashion; and, yes, there were bipartisan votes against those bills, some from my party and some from my colleagues on the Republican side. My presumption is, and my hope is, that those who voted "no" on those civil rights bills looked back and said: I made a mistake. That was not the vote I should have made.

Every Democrat will vote for this bill. Every Democrat will stand up and say this is another step in the quest for a better America, a more just America, a more accepting America. That is what we have the opportunity to do today.

I hope that many, if not all, of my Republican colleagues will stand not for party, not for policies of party or partisanship, but stand for principles enunciated 243 years ago but still not yet fully realized.

That is what this day is about.

Mr. Speaker, I rise in strong support of this bill, which I know will pass, but I hope, as I have said, it passes with a very strong bipartisan conviction and confirmation of the fact that "we hold these truths to be self-evident." This is an opportunity for the House to come together and reject discrimination and exclusion.

I am proud to be an original cosponsor of the bill that Mr. CICILLINE put forward. The Equality Act is about America. It is about who we are, what we are, and what we believe.

I want to commend the LGBTQ community and the Equality Caucus for being at the forefront of promoting full equality, equal justice, and equal opportunity for LGBTQ people and their families in this country.

The world looks to us as the strongest supporter, historically, of human rights and equal rights. Have we always been so? No, we have not.

My party was the segregationist party for many years, and we said no to that. We walked away from that. We said that was not the party we were going to be.

Of course, all of us were not members of that part of the party, but this day, we should all stand and say, yes, we believe that all men and all women and all people are created equal, by God, and endowed not by the Constitution, not by this body, but endowed by their Creator with certain unalienable rights, and among these are life, lib-

erty, and the pursuit of happiness, and the right to live as you are.

Yes, we make judgments on what you may do, but not who you are. You may be Black; you may be White; you may be a woman; you may be a man; you may be a homosexual; you may be a lesbian; you may be a trans; you may be anything other than what I am; but you are entitled, from me and from your country, to respect and equal treatment, as we said 243 years ago.

Sadly, some States still permit discrimination against LGBT people in those areas that have been discussed. We need to put an end to that and ensure that all people in this country, no matter where they live, are protected against hate and bigotry, exclusion and discrimination. The opportunities this country offers must be open to everyone in our country.

When I first ran for office in 1966 for a seat in the Maryland State Senate, fair housing was the issue, and the proposition was you didn't have to sell your house to somebody whose color was different than yours even though they had the ability to buy it and they wanted to move into that neighborhood.

This issue that we consider today is different in particular, but not in principle. That idea is at the very core of our American society: that opportunities exist for all of our people.

Throughout our history, we have reinforced this idea with the passage of the 14th Amendment, the 19th Amendment, the 1964 Civil Rights Act, the Fair Housing Act, the Americans with Disabilities Act, and others. We uphold this commitment to a fair and more just society with passage of this Equality Act.

□ 1115

Surely, we ought to be able to agree. Republicans, Democrats, liberals, conservatives, Northeast, South, and West, surely, we can agree that all men and all women are created equal and are deserving of equal treatment.

Let's come together to make that promise of our Founders ring true.

The Bible says, "Love your neighbor as yourself." Not love your straight neighbor, not love your Christian neighbor, not love your White neighbor, not love your native-born neighbor, not love your neighbor of some other distinction, but, "Love your neighbor as yourself."

That means, in my view, love your gay neighbor, love your lesbian neighbor, love your trans neighbor. It means love your Muslim neighbor; love your Jewish neighbor; love your African American, Latino, and Asian American neighbor; love your immigrant neighbor.

Love your neighbor, not your hyphenated neighbor, because we are all created equal.

Martin Luther King, a century after the Civil War, said to America that we are not living out the promise of America. He called us to conscience. He

called us to be America. He called us to be that light to the rest of the world.

So today, we say we will judge on content of character. We will be America. We will be the best we can be of America.

Like we did on so many of the civil rights bills that have come before us, again let us vote overwhelmingly to confirm America's promise to its people and to the world. Vote for this critically important statement of America's values.

Mr. COLLINS of Georgia. Mr. Speaker, I inquire of the chairman if he has any more speakers or if he is ready to close.

Mr. NADLER. Mr. Speaker, I was going to ask the gentleman the same thing. I have no further speakers. I am prepared to close.

Mr. COLLINS of Georgia. Mr. Speaker, I am prepared to close, and I yield myself such time as I may consume.

Mr. Speaker, we have heard a lot of debate, and we have heard a lot of issues today.

One of the issues that I want to bring up today is, again, as I started out in my opening statement, no one on our side and no one who disagrees with this bill is saying anyone ought to be treated wrongly or badly in any way. That is not who we are. In fact, we have struggled with that on this floor.

This bill, I can agree with the intent. I agree with the fact that no one should be.

But my friend, the majority leader, just made a statement. He quoted scripture, and it was a good one. It says love your neighbor. And I agree with him. I have talked about it. I have preached on that many years now. But it also didn't say, "Love your neighbor," and then, "I have to agree with my neighbor."

We can love each other and disagree. We love each other and disagree, and then we come into this place with this bill. That is where it gets not amorphous, not the intent, not what we want to do to make us feel better. It actually is how we then legislate this.

This bill is just not a good attempt. It is an imperfect step toward making something that others want to be right but, in the end, runs a real risk of causing others harm at the same time.

It is a risk that is brought on by rushing something. Even if it has been talked about for 5 years, the legislative part has been rushed, Mr. Speaker.

I understand the concern. I understand the anxiety. But let's make it right. Let's at least have an open debate. Let's discuss it here.

It is interesting to me that we had to have a colloquy on the floor to assuage some Members that this bill would not attack a worship service or who could lead a worship service or if a minister would actually have to do a service that would be against their personal faith beliefs.

The bill does not talk about that, but it does leave an open issue of public accommodation and how somebody would

look at public accommodation in a church setting. That is an honest question that needs to be answered.

It does bring up a lot of questions. What if a church or a religious organization accepts Federal money? What if a Catholic church accepts school lunch programs? What if a Jewish synagogue accepts money for homeland security? At that point, for the programs that they have, the bill says if you receive Federal money, you fall under this. Do they then have to violate their own faith beliefs?

Making one group of people deny their faith while trying to give another one a leg up is still wrong. It is not equal.

The questions that we have here today are honest disagreement. It is honest disagreement, but not in the sense of, if you take this, you have made a gender identity claim that is self-professing.

As was just said a moment ago, we talk about great ideas like the Civil Rights Act and the ADA. Disability under the ADA can be shown objectively, and I agree. As the father of a daughter who has spina bifida and is in a wheelchair, I can show objectively what that actually means. I am proud of that legislation. I was not here. I wish I had been because I have seen it open up.

In this bill, it says simply, "Gender identity as I proclaim it at that moment." This is where our problems come.

Mr. Speaker, that is why I would say vote "no" on the bill, and I yield back the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this morning, we have heard phantom fears about the allegedly harmful effects of the Equality Act on religious freedom and women's rights. If these fears had any basis in reality, the Equality Act would not have been endorsed by more than 500 civil rights, women's rights, religious, medical, and other national and State organizations, including the American Medical Association, the Central Conference of American Rabbis, the Episcopal Church, the Lawyers Committee for Civil Rights Under Law, the Leadership Conference on Civil and Human Rights, the NAACP, the National Alliance to End Sexual Violence, the National Coalition of Anti-Violence Programs, the National Women's Law Center, NETWORK Lobby for Catholic Social Justice, the Rabbinical Assembly, and the United Methodist Church's General Board of Church and Society.

It has also been endorsed by dozens of business associations, including the U.S. Chamber of Commerce, the National Association of Manufacturers, and the Sports and Fitness Industry Association.

Mr. Speaker, the time has come to proclaim liberty and equality throughout the land.

Mr. Speaker, I now commend the bill to the judgment of the House, and I

commend the House to the judgment of history.

Mr. Speaker, I yield back the balance of my time.

Mrs. DINGELL. Mr. Speaker, I rise today in strong support of H.R. 5, the Equality Act.

All Americans, regardless of background, should have the ability to live their lives with dignity and free from discrimination. Equal treatment under the law is a fundamental American principle, and this important legislation provides legal safeguards against discrimination for LGBTQ individuals.

This is historic civil rights legislation that the House is considering today. Specifically, it would modify existing civil rights law to extend anti-discrimination protections to LGBTQ Americans, including protections against discrimination in employment, housing, access to public places, federal funding, credit, education, and jury service.

As an original cosponsor of the Equality Act, I strongly support its final passage. I am unfortunately not able to attend today's important vote, but I am proud to support H.R. 5 and would have voted in favor of this bill.

Mr. SMITH of New Jersey. Mr. Speaker, H.R. 5 puts the Hyde Amendment and other federal and state laws that bar taxpayer funding for abortion at serious risk.

H.R. 5 also weakens conscience protections for health care providers opposed to being coerced into participating in the killing of unborn babies.

H.R. 5 defines "sex" to include "pregnancy, childbirth, or a related medical condition." The term "related medical condition" means "abortion." In the case *Doe v. C.A.R.S.*, the Third Circuit stated, "We now hold that the term "related medical conditions" includes an abortion." Furthermore, the Equal Employment Opportunity Commission (EEOC), which enforces Title VII, interprets abortion to be covered as a "related medical condition."

To further clarify, the bill goes on to state:

(b) RULES.—In a covered title referred to in subsection (a)—“(1) (with respect to sex) pregnancy, childbirth, or a related medical condition shall not receive less favorable treatment than other physical conditions; . . .

In other words, a provider may not withhold a "treatment option," including ending the life of an unborn baby.

In a legal analysis released today, the United States Conference of Catholic Bishops states:

Existing prohibitions on the use of government funds for abortion can be undercut in three ways.

First, federal and state governments are themselves providers of health care. Therefore, they would themselves be subject to the constraints that the Equality Act places on all health care providers and, as such, would likely be required to provide abortions. This conclusion is reinforced by the bill's expansive definition of "establishment," which is not limited to physical facilities and places.

Second, it would seem anomalous to, on the one hand, mandate that recipients of federal funds provide abortions, as the Equality Act can be read to do, but, on the other hand, prohibit use of such funds for abortions. It can (and likely will) be argued that these newly-enacted provisions, which would likely require recipients of federal funding to perform abortions, would thereby repeal by implication previously-enacted legislation forbidding the use of those very same funds for abortion.

Third, even if the bill were not construed to require the federal government to fund abortions, it could still be construed to require states that receive federal funding to do so with their own funds, which would be a departure from the longstanding principle that the federal government not require government funding of abortion even on the part of state governments.

The possibility that the Equality Act may be used to undercut the Hyde principle against government funding of abortion has been noted even by those endorsing the bill. Katelyn Burns, New Congress Opens Door for Renewed Push for LGBTQ Equality Act (Dec. 5, 2018), <https://rewire.news/article/2018/12/05/new-congress-opens-door-lgbtq-equality-act/>. But instead of denying that this problem exists, or (even better) urging an amendment to avoid it, one supporter of the bill has suggested that the issue simply "has to be navigated super carefully." *Id.* In other words, there is a problem and the suggested "fix" is simply to keep it from becoming politically visible.

I include in the RECORD the full analysis by the United States Conference of Catholic Bishops for the record. I am also submitting an analysis by National Right to Life (NRLC) that lists similar concerns and provides further insight into these issues.

[From the Secretariat of Pro-Life Activities]

THE EQUALITY ACT: ITS IMPACT ON GOVERNMENT FUNDING OF ABORTION

The Equality Act will likely have an adverse impact on existing provisions that prohibit the use of federal funds for abortion.

Below we review relevant provisions of the bill. We then consider the likely consequences for current restrictions on federal funding of abortion.

I. TEXT OF THE EQUALITY ACT

The followings bill provisions are relevant.

1. Public accommodations. The Equality Act (H.R. 5) forbids discrimination based on "sex," including "sexual orientation and gender identity," in places of "public accommodation." H.R. 5, §3(a)(1). The bill defines "public accommodation" to include "any establishment that provides . . . health care . . . services." *Id.* §3(a)(4). The term "establishment" is not limited to physical facilities and places. *Id.* §3(c). The term "sex" includes "pregnancy, childbirth, or a related medical condition." *Id.* §9(2). The bill also states that "pregnancy, childbirth, or a related medical condition shall not receive less favorable treatment than other physical conditions." *Id.*

2. Federally-funded programs and activities. The bill also forbids discrimination based on "sex," including "sexual orientation and gender identity," in any program or activity receiving federal financial assistance. *Id.* §6. The term "sex" is again defined to include "pregnancy, childbirth, or a related medical condition," and the listed items "shall not receive less favorable treatment than other physical conditions." *Id.* §9(2).

II. CONSEQUENCES FOR FEDERAL FUNDING OF ABORTION

These changes in federal law will likely undercut existing prohibitions on the use of government funds for abortion.

For years it has been an accepted predicate in federal bill drafting that laws forbidding discrimination based on "sex" must have abortion-neutral language to blunt any inference that non-discrimination requires the provision or coverage of abortion. Title VII of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972, are illustrative. Both titles forbid discrimination based on sex, and both titles have abortion

neutral amendments to mitigate or foreclose the claim that this prohibition requires a covered entity to provide or cover abortion. The fact that abortion-neutral language appears in Title VII and Title IX shows that Congress knows how to exclude abortion when it wants to. The failure to include an abortion-neutral amendment in the Equality Act therefore suggests a legislative intent to require the provision of abortion; otherwise, the Act, like Titles VII and IX, would have included such language. This conclusion is reinforced by (a) the bill's definition of sex to include "pregnancy, childbirth, or a related medical condition," (b) agency and judicial interpretations construing this language, and (c) the added qualification that pregnancy and "related medical condition[s]" shall not receive less favorable treatment than any other physical conditions."

The same reasoning—and the same conclusion—applies to the bill's non-discrimination provisions as applicable to federally-funded programs and activities. Indeed, abortion advocates themselves are currently reading the federal funding provisions of the bill to permit women to successfully challenge the denial of abortion.

Existing prohibitions on the use of government funds for abortion can be undercut in three ways.

First, federal and state governments are themselves providers of health care. Therefore, they would themselves be subject to the constraints that the Equality Act places on all health care providers and, as such, would likely be required to provide abortions. This conclusion is reinforced by the bill's expansive definition of "establishment," which is not limited to physical facilities and places.

Second, it would seem anomalous to, on the one hand, mandate that recipients of federal funds provide abortions, as the Equality Act can be read to do, but, on the other hand, prohibit use of such funds for abortions. It can (and likely will) be argued that these newly-enacted provisions, which would likely require recipients of federal funding to perform abortions, would thereby repeal by implication previously-enacted legislation forbidding the use of those very same funds for abortion.

Third, even if the bill were not construed to require the federal government to fund abortions, it could still be construed to require states that receive federal funding to do so with their own funds, which would be a departure from the longstanding principle that the federal government not require government funding of abortion even on the part of state governments.

The possibility that the Equality Act may be used to undercut the Hyde principle against government funding of abortion has been noted even by those endorsing the bill. Katelyn Burns, New Congress Opens Door for Renewed Push for LGBTQ Equality Act (Dec. 5, 2018), <https://rewire.news/article/2018/12/05/new-congress-opens-door-lgbtq-equality-act/>. But instead of denying that this problem exists, or (even better) urging an amendment to avoid it, one supporter of the bill has suggested that the issue simply "has to be navigated super carefully." *Id.* In other words, there is a problem and the suggested "fix" is simply to keep it from becoming politically visible.

If the intent were otherwise, then proponents of the bill would (and should) say so in the actual text of the bill.

NATIONAL RIGHT TO LIFE COMMITTEE, INC.

Date: May 16, 2019.

Re: Memorandum: H.R. 5, the Equality Act, and Implications on the Hyde Amendment.

H.R. 5, the Equality Act, contains language that could be construed to create a right to

demand abortion from health care providers, and likely would place at risk the authority of the government to prohibit taxpayer-funded abortions.

Historically, when Congress has addressed discrimination based on sex, rules of construction have been added to prevent requiring funding of abortion or nullifying conscience laws. No such rule of construction is contained in H.R. 5.

Section 9 of the Equality Act would amend the Civil Rights Act of 1964 (CRA) by defining "sex" to include "pregnancy, childbirth, or a related medical condition." It is well established that abortion is regarded as a "related medical condition." *See* 29 C.F.R. pt. 1604 App. (1986) and *Doe v. CAR'S Protection Plus, Inc.*, 527 F.3d 358 (3d Cir. 2008).

With abortion regarded as a pregnancy-related medical condition, H.R. 5 goes on to state that "pregnancy, childbirth, or a related medical condition shall not receive less favorable treatment than other physical conditions."

While the CRA had previously prohibited discrimination in certain places of "public accommodation," such as hotels, restaurants, and places of entertainment, H.R. 5 amends the CRA definition of "public accommodations" to include any "establishment that provides health care." The bill states that the term establishment "shall be construed to include an individual whose operations affect commerce and who is a provider of a good, service, or program." This provision would apply to individual health care providers who object to abortion, including those with religious objections (indeed, the bill explicitly overrides the protections contained in existing federal law under the Religious Freedom Restoration Act, 42 U.S.C. 2000bb et seq.).

Further, there is an additional provision that goes on to state that health care providers "shall not be construed to be limited to a physical facility or place."

So to the extent that non-physical entities, including States administering Medicaid, could be considered an "establishment that provides health care," funding restrictions, including the Hyde Amendment, will be put in jeopardy.

In late 2018, Executive Director Mara Keisling of the National Center for Transgender Equality said in an interview, "The worry is that extending sex-based protections to government programs could create a backdoor legal challenge to abortion restrictions like the Hyde amendment, which could potentially threaten whatever conservative support the bill may have."

From 1973, when abortion first became legal, until 1980, when the Hyde amendment first took effect, the joint federal-state Medicaid program was paying for roughly 300,000 abortions annually.

In *Harris v. McRae*, 448 U.S. 297 (1980), the Court upheld the Hyde Amendment, which restricted federal funding of abortion to cases where the mother's life was endangered (rape and incest exceptions were later added). While the Court insisted that a woman had a right to an abortion, the state was not required to fund the exercise of that right.

Currently, 17 states fund Medicaid coverage of abortion voluntarily or have laws in place requiring funding (of these, 13 are due to court decisions). Twenty-seven (27) states and the District of Columbia have laws that limit funding to cases of life endangerment, rape, and incest; six states limit abortion funding to a lesser extent.

Even if, under H.R. 5, the federal Hyde amendment was still applied to block federal

funds for Medicaid abortions, States currently not funding abortion, under Title VI as federal funding recipients, could now face challenges to require them to use their own state or local funds for Medicaid abortions. Further, the CRA Sec. 201(d) and Sec. 202 explicitly supersede state laws for purposes of "public accommodations" law.

For example, in New Mexico, which adopted a state Equal Right Amendment (ERA), the state affiliates of Planned Parenthood and NARAL relied on this state ERA in a legal attack on the state version of the Hyde Amendment, prohibiting Medicaid funding of elective abortions. The case was *NM Right to Choose / NARAL v. Johnson*, No. 1999-NMSC-005. In its 1998 ruling, every justice on the New Mexico Supreme Court agreed that the state ERA required the state to fund abortions performed by medical professionals, since procedures sought by men (e.g., prostate surgery) are funded. If enacted, H.R. 5 would open the door for widespread similar litigation wherein any attempt to restrict the funding of abortion would constitute discrimination.

Enactment of H. R. 5 would open the door to legal challenges that will amount to this: pregnancy-related medical conditions (including abortion) could not be treated less favorably than other physical conditions, so any "public accommodation" that treats abortion differently from procedures than other procedures constitute discrimination.

Ms. JOHNSON of Texas. Mr. Speaker, I rise to voice my support for H.R. 5, the Equality Act. This landmark legislation would prohibit discrimination against LGBTQ individuals across key areas of life including employment, housing, credit, education, public spaces and services, federally funded programs, and jury service.

We must address the fact that, in 30 states, LGBTQ people are at risk of being fired, refused housing or denied services simply because of who they are. Far too many students face bullying or worse because of their sexual identity, and far too many Americans—teachers, nurses, and state employees—face uncertainty and discrimination in the workplace and in their day-to-day lives. In fact, nearly two-thirds of LGBTQ Americans report having experienced discrimination in their personal lives.

Our nation's civil rights laws protect people from discrimination on the basis of race, color, national origin, and, in most cases, sex, disability and religion. Unfortunately, federal law does not provide consistent nondiscrimination protections based on sexual orientation or gender identity. The need for these protections is clear: We must put an end to this type of discrimination immediately.

We know from our nation's rich history in advancing the rights of citizens that strong federal laws are often needed to protect vulnerable groups of people. Because H.R. 5 explicitly prohibits discrimination based on sexual orientation and gender identity in fundamental areas, it will finally give LGBTQ people the long-overdue protections and rights under federal law.

The reality is that our country is strongest when all Americans can be who they are, without fear of bias, discrimination or inequality in their workplaces or communities. I am pleased that the House is taking the much-needed action to ensure the core American values of equality and fairness are applied to members of the LGBTQ community in all circumstances. I urge my colleagues of the House to pass this critical legislation.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 377, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 5 is postponed.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

The vote was taken by electronic device, and there were—yeas 215, nays 191, answered "present" 1, not voting 24, as follows:

[Roll No. 215]
YEAS—215

Adams	Espallat	Maloney.
Allred	Evans	Carolyn B.
Amodei	Finkenauer	Matsui
Arrington	Fortenberry	McCarthy
Bacon	Foster	McClintock
Banks	Frankel	McCollum
Barragan	Gabbard	McEachin
Bass	Gallego	McGovern
Beatty	Garamendi	McNerney
Beyer	Garcia (IL)	Moore
Bishop (GA)	Garcia (TX)	Morelle
Blumenauer	Gomez	Murphy
Blunt Rochester	Gonzalez (TX)	Nadler
Bonamici	Granger	Napolitano
Boyle, Brendan	Green (TX)	Neal
F.	Grijalva	Neguse
Brooks (IN)	Haaland	Newhouse
Brown (MD)	Hastings	Norcross
Brownley (CA)	Hayes	O'Halleran
Bustos	Heck	Ocasio-Cortez
Butterfield	Higgins (NY)	Omar
Carbajal	Hill (CA)	Pallone
Cardenas	Hollingsworth	Pappas
Carson (IN)	Hoyer	Pascrell
Carter (TX)	Huffman	Payne
Cartwright	Jackson Lee	Perlmutter
Case	Jayapal	Perry
Casten (IL)	Jeffries	Phillips
Castor (FL)	Johnson (GA)	Pingree
Castro (TX)	Johnson (TX)	Pocan
Chu, Judy	Joyce (OH)	Pressley
Cicilline	Kaptur	Price (NC)
Clarke (NY)	Keating	Quigley
Clay	Kelly (IL)	Raskin
Cleaver	Kelly (PA)	Reschenthaler
Cohen	Kennedy	Richmond
Collins (GA)	Khanna	Rodgers (WA)
Cooper	Kildee	Roe, David P.
Courtney	Kim	Roybal-Allard
Cox (CA)	King (IA)	Ruppersberger
Crist	King (NH)	Rush
Cuellar	Lamb	Rutherford
Curtis	Langevin	Sánchez
Davids (KS)	Larsen (WA)	Sarbanes
Davidson (OH)	Lawrence	Scanlon
Davis (CA)	Lawson (FL)	Schakowsky
Davis, Danny K.	Lee (CA)	Schiff
Dean	Lee (NV)	Schneider
DeFazio	Levin (CA)	Schweikert
DeGette	Levin (MI)	Scott (VA)
DeLauro	Lewis	Scott, David
DelBene	Lieu, Ted	Serrano
Delgado	Lipinski	Sewell (AL)
Demings	Loeb sack	Shalala
DeSaulnier	Lofgren	Sherman
Deutch	Lowenthal	Simpson
Doggett	Lowey	Sires
Doyle, Michael	F.	Smith (WA)
F.	Lujan	Soto
Engel	Luria	Speier
Escobar	Lynch	Stanton
Eshoo	Malinowski	Stauber

Stefanik
Steil
Stevens
Stewart
Stivers
Takano
Taylor
Thompson (MS)
Thornberry
Tipton
Titus
Tlaib

Torres (CA)
Trahan
Trone
Underwood
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walden
Waltz

Wasserman
Schultz
Watkins
Watson Coleman
Webster (FL)
Welch
Wenstrup
Wexton
Wilson (FL)
Yarmuth

Messrs. CARSON of Indiana, KENNEDY, Ms. KAPTUR, and TLAIB changed their vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

EQUALITY ACT

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of the bill (H.R. 5) to prohibit discrimination on the basis of sex, gender identity, and sexual orientation, and for other purposes, will now resume.

The Clerk read the title of the bill.

MOTION TO RECOMMIT

Mr. STEUBE. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. STEUBE. I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Steube moves to recommit the bill H.R. 5 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Add at the end of the bill the following:

SEC. 13. RULE OF CONSTRUCTION.

Nothing in this Act or any amendment made by this Act may be construed to diminish any protections under title IX of the Education Amendments of 1972.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman is recognized for 5 minutes in support of his motion.

Mr. STEUBE. Mr. Speaker, I want to make it abundantly clear exactly what this motion to recommit does, so I am going to read it. It is very short.

"Nothing in this act or any amendment made by this act may be construed to diminish any protections under title IX of the Education Amendments of 1972."

The threat that this bill poses for women's sports at every level is profound. As described by the Nation's leading expert on sports, sex, and biology, Professor Doriane Lambelet Coleman, she states: "There is a significant performance difference between males and females. . . . Testosterone is the primary driver of that difference. There is a wide gap, no overlap, between the male and female testosterone ranges. . . . There is no scientific doubt that testosterone is the reason that men as a group perform better than women in sports. Indeed, this is why men and women dope with androgens. . . ."

Requiring that biological females face competition from biological males will mean the end of women's sports in any meaningful sense.

As tennis great Martina Navratilova has written in The Washington Post: "In its current form, the Equality Act would do significant damage to title IX

NAYS—191

Abraham
Aderholt
Aguilar
Allen
Amash
Armstrong
Axne
Babin
Baird
Balderson
Barr
Bera
Bergman
Biggs
Bilirakis
Bishop (UT)
Bost
Brindisi
Brooks (AL)
Buchanan
Buck
Budd
Burgess
Byrne
Calvert
Carter (GA)
Chabot
Cheney
Cisneros
Clark (MA)
Cline
Cloud
Cole
Collins (NY)
Comer
Conaway
Connolly
Cook
Correa
Costa
Crawford
Crenshaw
Crew
Cummings
Cunningham
Davis, Rodney
DesJarlais
Diaz-Balart
Duncan
Dunn
Emmer
Estes
Ferguson
Fitzpatrick
Fleischmann
Fletcher
Flores
Foxy (NC)
Fudge
Fulcher
Gaetz
Gallagher
Gianforte

Gibbs
Golden
Gonzalez (OH)
Gooden
Gosar
Gottheimer
Graves (GA)
Graves (LA)
Graves (MO)
Green (TN)
Griffith
Grothman
Olson
Palazzo
Guest
Guthrie
Hagedorn
Harder (CA)
Harris
Hartzler
Hern, Kevin
Herrera Beutler
Hice (GA)
Higgins (LA)
Hill (AR)
Himes
Holding
Horn, Kendra S.
Horsford
Houlihan
Hudson
Huizenga
Hunter
Hurd (TX)
Johnson (SD)
Jordan
Joyce (PA)
Katko
Kelly (MS)
Kilmer
Kind
King (NY)
Kinzinger
Kirkpatrick
Krishnamoorthi
Kustoff (TN)
LaMalfa
Lamborn
Larson (CT)
Latta
Lesko
Long
Loudermilk
Lucas
Luetkemeyer
Maloney, Sean
Marchant
Marshall
Massie
Mast
McAdams
McBath
McCaul
McHenry
McKinley
Meadows

Meeks
Meng
Meuser
Miller
Mitchell
Moolenaar
Mooney (WV)
Mucarsel-Powell
Mullin
Norman
Nunes
Olson
Palazzo
Palmer
Panetta
Pence
Peters
Porter
Posey
Reed
Rice (NY)
Rice (SC)
Riggleman
Roby
Rogers (KY)
Rooney (FL)
Rose, John W.
Rouda
Rouzer
Roy
Ruiz
Scalise
Schrader
Schrier
Scott, Austin
Sensenbrenner
Sherrill
Shimkus
Slotkin
Smith (MO)
Smith (NE)
Smith (NJ)
Spanberger
Spano
Steube
Suozi
Thompson (CA)
Thompson (PA)
Timmons
Torres Small
(NM)
Upton
Van Drew
Walberg
Walorski
Waters
Wild
Williams
Wittman
Womack
Woodall
Wright
Yoho
Zeldin

ANSWERED "PRESENT"—1

Tonko

NOT VOTING—24

Brady
Buchon
Burchett
Clyburn
Dingell
Duffy
Gohmert
Johnson (LA)

Johnson (OH)
LaHood
Moulton
Peterson
Ratcliffe
Rogers (AL)
Rose (NY)
Ryan

Smucker
Swalwell (CA)
Turner
Walker
Weber (TX)
Westerman
Wilson (SC)
Young

Messrs. GALLAGHER, THOMPSON of California, JORDAN, COSTA, and FLEISCHMANN changed their vote from "yea" to "nay."