AMENDMENT TO H.R. 5

OFFERED BY MR. NADLER

Strike all that follows after the enacting clause and insert the following:

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

1 could be based on her sex, her sexual orientation,
2 her pregnancy, or on the basis of multiple factors.
3 (3) Lesbian, gay, bisexual, transgender, and
4 queer (referred to as "LGBTQ") people commonly
5 experience discrimination in securing access to pub-
6 lic accommodations—including restaurants, senior
7 centers, stores, places of or establishments that pro-
8 vide entertainment, health care facilities, shelters,
9 government offices, youth service providers including
10 adoption and foster care providers, and transpor-
11 tation. Forms of discrimination include the exclusion
12 and denial of entry, unequal or unfair treatment,
13 harassment, and violence. This discrimination pre-
14 vents the full participation of LGBTQ people in so-
15 ciety and disrupts the free flow of commerce.
16 (4) Women also have faced discrimination in
17 many establishments such as stores and restaurants,
18 and places or establishments that provide other
19 goods or services, such as entertainment or transpor-
20 tation, including sexual harassment, differential pric-
21 ing for substantially similar products and services,
22 and denial of services because they are pregnant or
23 breastfeeding.
24 (5) Many employers already and continue to
25 take proactive steps, beyond those required by some

1 States and localities, to ensure they are fostering
2 positive and respectful cultures for all employees.
3 Many places of public accommodation also recognize
4 the economic imperative to offer goods and services
5 to as many consumers as possible.

6 (6) Regular and ongoing discrimination against
7 LGBTQ people, as well as women, in accessing pub-
8 lic accommodations contributes to negative social
9 and economic outcomes, and in the case of public ac-
10 commodations operated by State and local govern-
11 ments, abridges individuals' constitutional rights.

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

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

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

1 (B) undermines national progress toward
2 equal treatment regardless of sex, sexual ori-
3 entation, or gender identity; and
4 (C) is inconsistent with the constitutional
5 principle of equal protection under the Four-
6 teenth Amendment to the Constitution of the
7 United States.
8 (9) Federal courts have widely recognized that,
9 in enacting the Civil Rights Act of 1964, Congress
10 validly invoked its powers under the Fourteenth
11 Amendment to provide a full range of remedies in
12 response to persistent, widespread, and pervasive
13 discrimination by both private and government ac-
14 tors.
15 (10) Discrimination by State and local govern-
16 ments on the basis of sexual orientation or gender
17 identity in employment, housing, and public accom-
18 modations, and in programs and activities receiving
19 Federal financial assistance, violates the Equal Pro-
20 tection Clause of the Fourteenth Amendment to the
21 Constitution of the United States. In many cir-
22 cumstances, such discrimination also violates other
23 constitutional rights such as those of liberty and pri-
24 vacy under the due process clause of the Fourteenth
25 Amendment.

1 (11) Individuals who are LGBTQ, or are per-
2 ceived to be LGBTQ, have been subjected to a his-
3 tory and pattern of persistent, widespread, and per-
4 vasive discrimination on the bases of sexual orienta-
5 tion and gender identity by both private sector and
6 Federal, State, and local government actors, includ-
7 ing in employment, housing, and public accommoda-
8 tions, and in programs and activities receiving Fed-
9 eral financial assistance. An explicit and comprehen-
10 sive national solution is needed to address such dis-
11 crimination, which has sometimes resulted in vio-
12 lence or death, including the full range of remedies
13 available under the Civil Rights Act of 1964.
14 (12) Numerous provisions of Federal law ex-
15 pressly prohibit discrimination on the basis of sex,
16 and Federal agencies and courts have correctly in-
17 terpreted these prohibitions on sex discrimination to
18 include discrimination based on sexual orientation,
19 gender identity, and sex stereotypes. In particular,
20 the Equal Employment Opportunity Commission
21 correctly interpreted title VII of the Civil Rights Act
22 of 1964 in Macy v. Holder, Baldwin v. Foxx, and
23 Lusardi v. McHugh.
24 (13) The absence of explicit prohibitions of dis-
25 crimination on the basis of sexual orientation and

1 gender identity under Federal statutory law has cre-
2 ated uncertainty for employers and other entities
3 covered by Federal nondiscrimination laws and
4 caused unnecessary hardships for LGBTQ individ-
5 uals.

6 (14) LGBTQ people often face discrimination
7 when seeking to rent or purchase housing, as well as
8 in every other aspect of obtaining and maintaining
9 housing. LGBTQ people in same-sex relationships
10 are often discriminated against when two names as-
11 sociated with one gender appear on a housing appli-
12 cation, and transgender people often encounter dis-
13 crimination when credit checks or inquiries reveal a
14 former name.

15 (15) National surveys, including a study com-
16 missioned by the Department of Housing and Urban
17 Development, show that housing discrimination
18 against LGBTQ people is very prevalent. For in-
19 stance, when same-sex couples inquire about housing
20 that is available for rent, they are less likely to re-
21 ceive positive responses from landlords. A national
22 matched-pair testing investigation found that nearly
23 one-half of same-sex couples face adverse, differen-
24 tial treatment when seeking elder housing. Accord-
25 ing to other studies, transgender people have half

1 the homeownership rate of non-transgender people
2 and about 1 in 5 transgender people experience
3 homelessness.

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

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

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

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

10 (19) Numerous studies document the shortage
11 of qualified and available homes for the 437,000
12 youth in the child welfare system and the negative
13 outcomes for the many youth who live in group care
14 as opposed to a loving home or who age out without
15 a permanent family. Although same-sex couples are
16 7 times more likely to foster or adopt than their dif-
17 ferent-sex counterparts, many child placing agencies
18 refuse to serve same-sex couples and LGBTQ indi-
19 viduals. This has resulted in a reduction of the pool
20 of qualified and available homes for youth in the
21 child welfare system who need placement on a tem-
22 porary or permanent basis. Barring discrimination
23 in foster care and adoption will increase the number
24 of homes available to foster children waiting for fos-
25 ter and adoptive families.

1 (20) LGBTQ youth are overrepresented in the
2 foster care system by at least a factor of two and
3 report twice the rate of poor treatment while in care
4 compared to their non-LGBTQ counterparts.
5 LGBTQ youth in foster care have a higher average
6 number of placements, higher likelihood of living in
7 a group home, and higher rates of hospitalization for
8 emotional reasons and juvenile justice involvement
9 than their non-LGBTQ peers because of the high
10 level of bias and discrimination that they face and
11 the difficulty of finding affirming foster placements.
12 Further, due to their physical distance from friends
13 and family, traumatic experiences, and potentially
14 unstable living situations, all youth involved with
15 child welfare are at risk for being targeted by traf-
16 fickers seeking to exploit children. Barring discrimi-
17 nation in child welfare services will ensure improved
18 treatment and outcomes for LGBTQ foster children.
19 (b) PURPOSE.—It is the purpose of this Act to ex-
20 pand as well as clarify, confirm and create greater consist-
21 ency in the protections and remedies against discrimina-
22 tion on the basis of all covered characteristics and to pro-
23 vide guidance and notice to individuals, organizations, cor-
24 porations, and agencies regarding their obligations under
25 the law.

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

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

5 (1) in subsection (a), by inserting "sex (includ-
6 ing sexual orientation and gender identity)," before
7 "or national origin"; and

8 (2) in subsection (b)—

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

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

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

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

1 "(5) any train service, bus service, car service,
2 taxi service, airline service, station, depot, or other
3 place of or establishment that provides transpor-
4 tation service; and".

5 (b) PROHIBITION ON DISCRIMINATION OR SEGREGA-
6 TION UNDER LAW.—Section 202 of such Act (42 U.S.C.
7 2000a–1) is amended by inserting "sex (including sexual
8 orientation and gender identity)," before "or national ori-
9 gin".

10 (c) RULE OF CONSTRUCTION.—Title II of such Act
11 (42 U.S.C. 2000a et seq.) is amended by adding at the
12 end the following:

13 **"SEC. 208. RULE OF CONSTRUCTION.**

14 "A reference in this title to an establishment—

15 "(1) shall be construed to include an individual
16 whose operations affect commerce and who is a pro-
17 vider of a good, service, or program; and

18 "(2) shall not be construed to be limited to a
19 physical facility or place.".

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

21 Section 301(a) of the Civil Rights Act of 1964 (42
22 U.S.C. 2000b(a)) is amended by inserting "sex (including
23 sexual orientation and gender identity)," before "or na-
24 tional origin".

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

2 (a) DEFINITIONS.—Section 401(b) of the Civil Rights
3 Act of 1964 (42 U.S.C. 2000c(b)) is amended by inserting
4 "(including sexual orientation and gender identity)," be-
5 fore "or national origin".

6 (b) CIVIL ACTIONS BY THE ATTORNEY GENERAL.—
7 Section 407 of such Act (42 U.S.C. 2000c–6) is amended,
8 in subsection (a)(2), by inserting "(including sexual ori-
9 entation and gender identity)," before "or national ori-
10 gin".

11 (c) CLASSIFICATION AND ASSIGNMENT.—Section 410
12 of such Act (42 U.S.C. 2000c–9) is amended by inserting
13 "(including sexual orientation and gender identity)," be-
14 fore "or national origin".

15 **SEC. 6. FEDERAL FUNDING.**

16 Section 601 of the Civil Rights Act of 1964 (42
17 U.S.C. 2000d) is amended by inserting "sex (including
18 sexual orientation and gender identity)," before "or na-
19 tional origin,".

20 **SEC. 7. EMPLOYMENT.**

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

24 **"SEC. 701A. RULES OF CONSTRUCTION.**

25 "Section 1106 shall apply to this title except that for
26 purposes of that application, a reference in that section

1 to an 'unlawful practice' shall be considered to be a ref-
2 erence to an 'unlawful employment practice'.".
3 (b) UNLAWFUL EMPLOYMENT PRACTICES.—Section
4 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–
5 2) is amended—
6 (1) in the section header, by striking "SEX,"
7 and inserting "SEX (INCLUDING SEXUAL ORIENTA-
8 TION AND GENDER IDENTITY),";
9 (2) except in subsection (e), by striking "sex,"
10 each place it appears and inserting "sex (including
11 sexual orientation and gender identity),"; and
12 (3) in subsection (e)(1), by striking "enter-
13 prise," and inserting "enterprise, if, in a situation in
14 which sex is a bona fide occupational qualification,
15 individuals are recognized as qualified in accordance
16 with their gender identity,".
17 (c) OTHER UNLAWFUL EMPLOYMENT PRACTICES.—
18 Section 704(b) of the Civil Rights Act of 1964 (42 U.S.C.
19 2000e–3(b)) is amended—
20 (1) by striking "sex," the first place it appears
21 and inserting "sex (including sexual orientation and
22 gender identity),"; and
23 (2) by striking "employment." and inserting
24 "employment, if, in a situation in which sex is a
25 bona fide occupational qualification, individuals are

1 recognized as qualified in accordance with their gen-
2 der identity.".
3 (d) CLAIMS.—Section 706(g)(2)(A) of the Civil
4 Rights Act of 1964 (2000e–5(g)(2)(A)) is amended by
5 striking "sex," and inserting "sex (including sexual ori-
6 entation and gender identity),".
7 (e) EMPLOYMENT BY FEDERAL GOVERNMENT.—Sec-
8 tion 717 of the Civil Rights Act of 1964 (42 U.S.C.
9 2000e–16) is amended—
10 (1) in subsection (a), by striking "sex," and in-
11 serting "sex (including sexual orientation and gender
12 identity),"; and
13 (2) in subsection (c), by striking "sex" and in-
14 serting "sex (including sexual orientation and gender
15 identity),".
16 (f) GOVERNMENT EMPLOYEE RIGHTS ACT OF
17 1991.—The Government Employee Rights Act of 1991
18 (42 U.S.C. 2000e–16a et seq.) is amended—
19 (1) in section 301(b), by striking "sex," and in-
20 serting "sex (including sexual orientation and gender
21 identity),";
22 (2) in section 302(a)(1), by striking "sex," and
23 inserting "sex (including sexual orientation and gen-
24 der identity),"; and
25 (3) by adding at the end the following:

1 **"SEC. 305. RULES OF CONSTRUCTION AND CLAIMS.**

2 "Sections 1101(b), 1106, and 1107 of the Civil
3 Rights Act of 1964 shall apply to this title except that
4 for purposes of that application, a reference in that section
5 1106 to 'race, color, religion, sex (including sexual orienta-
6 tion and gender identity), or national origin' shall be con-
7 sidered to be a reference to 'race, color, religion, sex, sex-
8 ual orientation, gender identity, national origin, age, or
9 disability'.".

10 (g) CONGRESSIONAL ACCOUNTABILITY ACT OF
11 1995.—The Congressional Accountability Act of 1995 (2
12 U.S.C. 1301 et seq.) is amended—

13 (1) in section 201(a)(1) (2 U.S.C. 1311(a)(1))
14 by inserting "(including sexual orientation and gen-
15 der identity)," before "or national origin,"; and

16 (2) by adding at the end of title II (42 U.S.C.
17 1311 et seq.) the following:

18 **"SEC. 208. RULES OF CONSTRUCTION AND CLAIMS.**

19 "Sections 1101(b), 1106, and 1107 of the Civil
20 Rights Act of 1964 shall apply to section 201 (and reme-
21 dial provisions of this Act related to section 201) except
22 that for purposes of that application, a reference in that
23 section 1106 to 'race, color, religion, sex (including sexual
24 orientation and gender identity), or national origin' shall
25 be considered to be a reference to 'race, color, religion,

1 sex (including sexual orientation and gender identity), na-
2 tional origin, age, or disability'.".
3 (h) CIVIL SERVICE REFORM ACT OF 1978.—Chapter
4 23 of title 5, United States Code, is amended—
5 (1) in section 2301(b)(2), by striking "sex,"
6 and inserting "sex (including sexual orientation and
7 gender identity),";
8 (2) in section 2302—
9 (A) in subsection (b)(1)(A), by inserting
10 "(including sexual orientation and gender iden-
11 tity)," before "or national origin,"; and
12 (B) in subsection (d)(1), by inserting "(in-
13 cluding sexual orientation and gender iden-
14 tity)," before "or national origin;"; and
15 (3) by adding at the end the following:
16 **"SEC. 2307. RULES OF CONSTRUCTION AND CLAIMS.**
17 "Sections 1101(b), 1106, and 1107 of the Civil
18 Rights Act of 1964 shall apply to this chapter (and reme-
19 dial provisions of this title related to this chapter) except
20 that for purposes of that application, a reference in that
21 section 1106 to 'race, color, religion, sex (including sexual
22 orientation and gender identity), or national origin' shall
23 be considered to be a reference to 'race, color, religion,
24 sex (including sexual orientation and gender identity), na-

1 tional origin, age, a handicapping condition, marital sta-
2 tus, or political affiliation'.".

3 **SEC. 8. INTERVENTION.**

4 Section 902 of the Civil Rights Act of 1964 (42
5 U.S.C. 2000h–2) is amended by inserting "(including sex-
6 ual orientation and gender identity)," before "or national
7 origin,".

8 **SEC. 9. MISCELLANEOUS.**

9 Title XI of the Civil Rights Act of 1964 is amended—
10 (1) by redesignating sections 1101 through
11 1104 (42 U.S.C. 2000h et seq.) and sections 1105
12 and 1106 (42 U.S.C. 2000h–5, 2000h–6) as sections
13 1102 through 1105 and sections 1108 and 1109, re-
14 spectively;
15 (2) by inserting after the title heading the fol-
16 lowing:

17 **"SEC. 1101. DEFINITIONS AND RULES.**

18 "(a) DEFINITIONS.—In titles II, III, IV, VI, VII, and
19 IX (referred to individually in sections 1106 and 1107 as
20 a 'covered title'):
21 "(1) RACE; COLOR; RELIGION; SEX; SEXUAL
22 ORIENTATION; GENDER IDENTITY; NATIONAL ORI-
23 GIN.—The term 'race', 'color', 'religion', 'sex' (in-
24 cluding 'sexual orientation' and 'gender identity'), or

1 'national origin', used with respect to an individual,
2 includes—
3 "(A) the race, color, religion, sex (includ-
4 ing sexual orientation and gender identity), or
5 national origin, respectively, of another person
6 with whom the individual is associated or has
7 been associated; and
8 "(B) a perception or belief, even if inac-
9 curate, concerning the race, color, religion, sex
10 (including sexual orientation and gender iden-
11 tity), or national origin, respectively, of the in-
12 dividual.
13 "(2) GENDER IDENTITY.—The term 'gender
14 identity' means the gender-related identity, appear-
15 ance, mannerisms, or other gender-related character-
16 istics of an individual, regardless of the individual's
17 designated sex at birth.
18 "(3) INCLUDING.—The term 'including' means
19 including, but not limited to, consistent with the
20 term's standard meaning in Federal law.
21 "(4) SEX.—The term 'sex' includes—
22 "(A) a sex stereotype;
23 "(B) pregnancy, childbirth, or a related
24 medical condition;

1 "(C) sexual orientation or gender identity;
2 and
3 "(D) sex characteristics, including intersex
4 traits.
5 "(5) SEXUAL ORIENTATION.—The term 'sexual
6 orientation' means homosexuality, heterosexuality, or
7 bisexuality.
8 "(b) RULES.—In a covered title referred to in sub-
9 section (a)—
10 "(1) (with respect to sex) pregnancy, childbirth,
11 or a related medical condition shall not receive less
12 favorable treatment than other physical conditions;
13 and
14 "(2) (with respect to gender identity) an indi-
15 vidual shall not be denied access to a shared facility,
16 including a restroom, a locker room, and a dressing
17 room, that is in accordance with the individual's
18 gender identity."; and
19 (3) by inserting after section 1105 the fol-
20 lowing:
21 **"SEC. 1106. RULES OF CONSTRUCTION.**
22 "(a) SEX.—Nothing in section 1101 or the provisions
23 of a covered title incorporating a term defined or a rule
24 specified in that section shall be construed—

1 "(1) to limit the protection against an unlawful
2 practice on the basis of pregnancy, childbirth, or a
3 related medical condition provided by section 701(k);
4 or
5 "(2) to limit the protection against an unlawful
6 practice on the basis of sex available under any pro-
7 vision of Federal law other than that covered title,
8 prohibiting a practice on the basis of sex.
9 "(b) CLAIMS AND REMEDIES NOT PRECLUDED.—
10 Nothing in section 1101 or a covered title shall be con-
11 strued to limit the claims or remedies available to any indi-
12 vidual for an unlawful practice on the basis of race, color,
13 religion, sex (including sexual orientation and gender iden-
14 tity), or national origin including claims brought pursuant
15 to section 1979 or 1980 of the Revised Statutes (42
16 U.S.C. 1983, 1985) or any other law, including a Federal
17 law amended by the Equality Act, regulation, or policy.
18 "(c) NO NEGATIVE INFERENCE.—Nothing in section
19 1101 or a covered title shall be construed to support any
20 inference that any Federal law prohibiting a practice on
21 the basis of sex does not prohibit discrimination on the
22 basis of pregnancy, childbirth, or a related medical condi-
23 tion, sexual orientation, gender identity, or a sex stereo-
24 type.

1 **"SEC. 1107. CLAIMS.**

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

7 **SEC. 10. HOUSING.**

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

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

12 "(p) 'Gender identity', 'sex', and 'sexual orientation'
13 have the meanings given those terms in section 1101(a)
14 of the Civil Rights Act of 1964.

15 "(q) 'Race', 'color', 'religion', 'sex' (including 'sexual
16 orientation' and 'gender identity'), 'handicap', 'familial
17 status', or 'national origin', used with respect to an indi-
18 vidual, includes—

19 "(1) the race, color, religion, sex (including sex-
20 ual orientation and gender identity), handicap, fa-
21 milial status, or national origin, respectively, of an-
22 other person with whom the individual is associated
23 or has been associated; and

24 "(2) a perception or belief, even if inaccurate,
25 concerning the race, color, religion, sex (including
26 sexual orientation and gender identity), handicap,

1 familial status, or national origin, respectively, of the
2 individual.";
3 (2) in section 804, by inserting "(including sex-
4 ual orientation and gender identity)," after "sex,"
5 each place that term appears;
6 (3) in section 805, by inserting "(including sex-
7 ual orientation and gender identity)," after "sex,"
8 each place that term appears;
9 (4) in section 806, by inserting "(including sex-
10 ual orientation and gender identity)," after "sex,";
11 (5) in section 808(c)(6), by inserting "(includ-
12 ing sexual orientation and gender identity)," after
13 "sex,"; and
14 (6) by adding at the end the following:
15 **"SEC. 821. RULES OF CONSTRUCTION.**
16 "Sections 1101(b) and 1106 of the Civil Rights Act
17 of 1964 shall apply to this title and section 901, except
18 that for purposes of that application, a reference in that
19 section 1101(b) or 1106 to a 'covered title' shall be consid-
20 ered a reference to 'this title and section 901'.
21 **"SEC. 822. CLAIMS.**
22 "Section 1107 of the Civil Rights Act of 1964 shall
23 apply to this title and section 901, except that for pur-
24 poses of that application, a reference in that section 1107

1 to a 'covered title' shall be considered a reference to 'this
2 title and section 901'.".

3 (b) PREVENTION OF INTIMIDATION IN FAIR HOUS-
4 ING CASES.—Section 901 of the Civil Rights Act of 1968
5 (42 U.S.C. 3631) is amended by inserting "(including sex-
6 ual orientation (as such term is defined in section 802 of
7 this Act) and gender identity (as such term is defined in
8 section 802 of this Act))," after "sex," each place that
9 term appears.

10 **SEC. 11. EQUAL CREDIT OPPORTUNITY.**

11 (a) PROHIBITED DISCRIMINATION.—Section
12 701(a)(1) of the Equal Credit Opportunity Act (15 U.S.C.
13 1691(a)(1)) is amended by inserting "(including sexual
14 orientation and gender identity)," after "sex".

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

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

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

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

24 "(g) The term 'race', 'color', 'religion', 'national ori-
25 gin', 'sex' (including 'sexual orientation' and 'gender iden-

1 tity'), 'marital status', or 'age', used with respect to an
2 individual, includes—
3 "(1) the race, color, religion, national origin,
4 sex (including sexual orientation and gender iden-
5 tity), marital status, or age, respectively, of another
6 person with whom the individual is associated or has
7 been associated; and
8 "(2) a perception or belief, even if inaccurate,
9 concerning the race, color, religion, national origin,
10 sex (including sexual orientation and gender iden-
11 tity), marital status, or age, respectively, of the indi-
12 vidual."; and
13 (3) by adding at the end the following:
14 "(j) Sections 1101(b) and 1106 of the Civil Rights
15 Act of 1964 shall apply to this title, except that for pur-
16 poses of that application—
17 "(1) a reference in those sections to a 'covered
18 title' shall be considered a reference to 'this title';
19 and
20 "(2) paragraph (1) of such section 1101(b)
21 shall apply with respect to all aspects of a credit
22 transaction.".
23 (c) RELATION TO STATE LAWS.—Section 705(a) of
24 the Equal Credit Opportunity Act (15 U.S.C. 1691d(a))

1 is amended by inserting "(including sexual orientation and
2 gender identity)," after "sex".
3 (d) CIVIL LIABILITY.—Section 706 of the Equal
4 Credit Opportunity Act (15 U.S.C. 1691e) is amended by
5 adding at the end the following:
6 "(l) Section 1107 of the Civil Rights Act of 1964
7 shall apply to this title, except that for purposes of that
8 application, a reference in that section to a 'covered title'
9 shall be considered a reference to 'this title'.".
10 **SEC. 12. JURIES.**
11 (a) IN GENERAL.—Chapter 121 of title 28, United
12 States Code, is amended—
13 (1) in section 1862, by inserting "(including
14 sexual orientation and gender identity)," after
15 "sex,";
16 (2) in section 1867(e), in the second sentence,
17 by inserting "(including sexual orientation and gen-
18 der identity)," after "sex,";
19 (3) in section 1869—
20 (A) in subsection (j), by striking "and" at
21 the end;
22 (B) in subsection (k), by striking the pe-
23 riod at the end and inserting a semicolon; and
24 (C) by adding at the end the following:

1 "(l) 'gender identity', 'sex', and 'sexual orientation'
2 have the meanings given such terms under section 1101(a)
3 of the Civil Rights Act of 1964; and
4 "(m) 'race', 'color', 'religion', 'sex' (including 'sexual
5 orientation' and 'gender identity'), 'economic status', or
6 'national origin', used with respect to an individual, in-
7 cludes—
8 "(1) the race, color, religion, sex (including sex-
9 ual orientation and gender identity), economic sta-
10 tus, or national origin, respectively, of another per-
11 son with whom the individual is associated or has
12 been associated; and
13 "(2) a perception or belief, even if inaccurate,
14 concerning the race, color, religion, sex (including
15 sexual orientation and gender identity), economic
16 status, or national origin, respectively, of the indi-
17 vidual."; and
18 (4) by adding at the end the following:
19 **"§ 1879. Rules of construction and claims**
20 "Sections 1101(b), 1106, and 1107 of the Civil
21 Rights Act of 1964 shall apply to this chapter, except that
22 for purposes of that application, a reference in those sec-
23 tions to a 'covered title' shall be considered a reference
24 to 'this chapter'.".

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

"1879. Rules of construction and claims.".