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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

Mr. CICILLINE (for himself and _____) introduced the following bill; which was referred to the Committee on _____

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Equality Act”.

5 **SEC. 2. FINDINGS AND PURPOSE.**

6 (a) FINDINGS.—Congress finds the following:

7 (1) Discrimination can occur on the basis of the
8 sex, sexual orientation, gender identity, or preg-
9 nancy, childbirth, or a related medical condition of

1 an individual, as well as because of sex-based stereo-
2 types. Each of these factors alone can serve as the
3 basis for discrimination, and each is a form of sex
4 discrimination.

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

14 (3) Lesbian, gay, bisexual, and transgender (re-
15 ferred to as “LGBT”) people commonly experience
16 discrimination in securing access to public accom-
17 modations—including restaurants, senior centers,
18 stores, places of or establishments that provide en-
19 tertainment, health care facilities, shelters, govern-
20 ment offices, youth service providers including adop-
21 tion and foster care providers, and transportation.
22 Forms of discrimination include the exclusion and
23 denial of entry, unequal or unfair treatment, harass-
24 ment, and violence. This discrimination prevents the

1 full participation of LGBT people in society and dis-
2 rupts the free flow of commerce.

3 (4) Women also have faced discrimination in
4 many establishments such as stores and restaurants,
5 and places or establishments that provide other
6 goods or services, such as entertainment or transpor-
7 tation, including sexual harassment, differential pric-
8 ing for substantially similar products and services,
9 and denial of services because they are pregnant or
10 breastfeeding.

11 (5) Many employers already and continue to
12 take proactive steps, beyond those required by some
13 States and localities, to ensure they are fostering
14 positive and respectful cultures for all employees.
15 Many places of public accommodation also recognize
16 the economic imperative to offer goods and services
17 to as many consumers as possible.

18 (6) Regular and ongoing discrimination against
19 LGBT people, as well as women, in accessing public
20 accommodations contributes to negative social and
21 economic outcomes, and in the case of public accom-
22 modations operated by State and local governments,
23 abridges individuals' constitutional rights.

24 (7) The discredited practice known as "conver-
25 sion therapy" is a form of discrimination that harms

1 LGBT people by undermining individuals sense of
2 self worth, increasing suicide ideation and substance
3 abuse, exacerbating family conflict, and contributing
4 to second class status.

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

9 (A) is particularly troubling and inappro-
10 priate for programs and services funded wholly
11 or in part by the Federal Government;

12 (B) undermines national progress toward
13 equal treatment regardless of sex, sexual ori-
14 entation, or gender identity; and

15 (C) is inconsistent with the constitutional
16 principle of equal protection under the Four-
17 teenth Amendment to the Constitution of the
18 United States.

19 (9) Federal courts have widely recognized that,
20 in enacting the Civil Rights Act of 1964, Congress
21 validly invoked its powers under the Fourteenth
22 Amendment to provide a full range of remedies in
23 response to persistent, widespread, and pervasive
24 discrimination by both private and government ac-
25 tors.

1 (10) Discrimination by State and local govern-
2 ments on the basis of sexual orientation or gender
3 identity in employment, housing, and public accom-
4 modations, and in programs and activities receiving
5 Federal financial assistance, violates the Equal Pro-
6 tection Clause of the Fourteenth Amendment to the
7 Constitution of the United States. In many cir-
8 cumstances, such discrimination also violates other
9 constitutional rights such as those of liberty and pri-
10 vacy under the due process clause of the Fourteenth
11 Amendment.

12 (11) Individuals who are LGBT, or are per-
13 ceived to be LGBT, have been subjected to a history
14 and pattern of persistent, widespread, and pervasive
15 discrimination on the bases of sexual orientation and
16 gender identity by both private sector and Federal,
17 State, and local government actors, including in em-
18 ployment, housing, and public accommodations, and
19 in programs and activities receiving Federal finan-
20 cial assistance. An explicit and comprehensive na-
21 tional solution is needed to address such discrimina-
22 tion, including the full range of remedies available
23 under the Civil Rights Act of 1964.

24 (12) Numerous provisions of Federal law ex-
25 pressly prohibit discrimination on the basis of sex,

1 and Federal agencies and courts have correctly in-
2 terpreted these prohibitions on sex discrimination to
3 include discrimination based on sexual orientation,
4 gender identity, and sex stereotypes. In particular,
5 the Equal Employment Opportunity Commission
6 correctly interpreted title VII of the Civil Rights Act
7 of 1964 in *Macy v. Holder*, *Baldwin v. Foxx*, and
8 *Lusardi v. McHugh*.

9 (13) The absence of explicit prohibitions of dis-
10 crimination on the basis of sexual orientation and
11 gender identity under Federal statutory law, as well
12 as the existence of legislative proposals that would
13 have provided such explicit prohibitions, has led
14 some courts to conclude incorrectly that current
15 Federal laws prohibiting sex discrimination do not
16 prohibit discrimination on the basis of sexual ori-
17 entation and gender identity. It has also created un-
18 certainty for employers and other entities covered by
19 Federal nondiscrimination laws and caused unneces-
20 sary hardships for LGBT individuals.

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

1 ated with one gender appear on a housing applica-
2 tion, and transgender people often encounter dis-
3 crimination when credit checks or inquiries reveal a
4 former name.

5 (15) National surveys, including a study com-
6 missioned by the Department of Housing and Urban
7 Development, show that housing discrimination
8 against LGBT people is very prevalent. For in-
9 stance, when same-sex couples inquire about housing
10 that is available for rent, they are less likely to re-
11 ceive positive responses from landlords. A national
12 matched-pair testing investigation found that nearly
13 one-half of same-sex couples face adverse, differen-
14 tial treatment when seeking elder housing. Accord-
15 ing to other studies, transgender people have half
16 the homeownership rate of non-transgender people
17 and about 1 in 5 transgender people experience
18 homelessness.

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

1 because of their sexual orientation or gender iden-
2 tity.

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

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

24 (19) Numerous studies document the shortage
25 of qualified and available homes for the 437,000

1 youth in the child welfare system and the negative
2 outcomes for the many youth who live in group care
3 as opposed to a loving home or who age out without
4 a permanent family. Although same-sex couples are
5 7 times more likely to foster or adopt than their dif-
6 ferent-sex counterparts, many child placing agencies
7 refuse to serve same-sex couples and LGBT individ-
8 uals. This has resulted in a reduction of the pool of
9 qualified and available homes for youth in the child
10 welfare system who need placement on a temporary
11 or permanent basis. Barring discrimination in foster
12 care and adoption will increase the number of homes
13 available to foster children waiting for foster and
14 adoptive families.

15 (20) LGBT youth are overrepresented in the
16 foster care system by at least a factor of two and
17 report twice the rate of poor treatment while in care
18 compared to their non-LGBT counterparts. LGBT
19 youth in foster care have a higher average number
20 of placements, higher likelihood of living in a group
21 home, and higher rates of hospitalization for emo-
22 tional reasons and juvenile justice involvement than
23 their non-LGBT peers because of the high level of
24 bias and discrimination that they face and the dif-
25 ficulty of finding affirming foster placements. Fur-

1 ther, due to their physical distance from friends and
2 family, traumatic experiences, and potentially unsta-
3 ble living situations, all youth involved with child
4 welfare are at risk for being targeted by traffickers
5 seeking to exploit children. Barring discrimination in
6 child welfare services will ensure improved treatment
7 and outcomes for LGBT foster children.

8 (b) PURPOSE.—It is the purpose of this Act to ex-
9 pand as well as clarify, confirm and create greater consist-
10 ency in the protections and remedies against discrimina-
11 tion on the basis of all covered characteristics and to pro-
12 vide guidance and notice to individuals, organizations, cor-
13 porations, and agencies regarding their obligations under
14 the law.

15 **SEC. 3. PUBLIC ACCOMMODATIONS.**

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

19 (1) in subsection (a), by inserting “sex (includ-
20 ing sexual orientation and gender identity),” before
21 “or national origin”; and

22 (2) in subsection (b)—

23 (A) in paragraph (3), by striking “sta-
24 dium” and all that follows and inserting “sta-
25 dium or other place of or establishment that

1 provides exhibition, entertainment, recreation,
2 exercise, amusement, gathering, or display;”;

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

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

7 “(4) any establishment that provides a good,
8 service, or program, including a store, shopping cen-
9 ter, online retailer or service provider, salon, bank,
10 gas station, food bank, service or care center, shel-
11 ter, travel agency, or funeral parlor, or establish-
12 ment that provides health care, accounting, or legal
13 services;

14 “(5) any train service, bus service, car service,
15 taxi service, airline service, station, depot, or other
16 place of or establishment that provides transpor-
17 tation service; and”.

18 (b) PROHIBITION ON DISCRIMINATION OR SEGREGA-
19 TION UNDER LAW.—Section 202 of such Act (42 U.S.C.
20 2000a–1) is amended by inserting “sex (including sexual
21 orientation and gender identity),” before “or national ori-
22 gin”.

23 (c) RULE OF CONSTRUCTION.—Title II of such Act
24 (42 U.S.C. 2000a et seq.) is amended by adding at the
25 end the following:

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

2 “A reference in this title to an establishment—

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

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

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

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

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

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

18 (b) CIVIL ACTIONS BY THE ATTORNEY GENERAL.—
19 Section 407 of such Act (42 U.S.C. 2000c–6) is amended,
20 in subsection (a)(2), by inserting “(including sexual ori-
21 entation and gender identity),” before “or national ori-
22 gin”.

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

1 **SEC. 6. FEDERAL FUNDING.**

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

6 **SEC. 7. EMPLOYMENT.**

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

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

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

15 (b) UNLAWFUL EMPLOYMENT PRACTICES.—Section
16 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–
17 2) is amended—

18 (1) in the section header, by striking “SEX,”
19 and inserting “SEX (INCLUDING SEXUAL ORIENTA-
20 TION AND GENDER IDENTITY),”;

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

24 (3) in subsection (e)(1), by striking “enter-
25 prise,” and inserting “enterprise, if, in a situation in
26 which sex is a bona fide occupational qualification,

1 individuals are recognized as qualified in accordance
2 with their gender identity,”.

3 (c) OTHER UNLAWFUL EMPLOYMENT PRACTICES.—
4 Section 704(b) of the Civil Rights Act of 1964 (42 U.S.C.
5 2000e–3(b)) is amended—

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

9 (2) by striking “employment.” and inserting
10 “employment, if, in a situation in which sex is a
11 bona fide occupational qualification, individuals are
12 recognized as qualified in accordance with their gen-
13 der identity.”.

14 (d) CLAIMS.—Section 706(g)(2)(A) of the Civil
15 Rights Act of 1964 (2000e–5(g)(2)(A)) is amended by
16 striking “sex,” and inserting “sex (including sexual ori-
17 entation and gender identity),”.

18 (e) EMPLOYMENT BY FEDERAL GOVERNMENT.—Sec-
19 tion 717 of the Civil Rights Act of 1964 (42 U.S.C.
20 2000e–16) is amended—

21 (1) in subsection (a), by striking “sex,” and in-
22 serting “sex (including sexual orientation and gender
23 identity),”; and

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

4 (f) GOVERNMENT EMPLOYEE RIGHTS ACT OF
5 1991.—The Government Employee Rights Act of 1991
6 (42 U.S.C. 2000e–16a et seq.) is amended—

7 (1) in section 301(b), by striking “sex,” and in-
8 serting “sex (including sexual orientation and gender
9 identity),”;

10 (2) in section 302(a)(1), by striking “sex,” and
11 inserting “sex (including sexual orientation and gen-
12 der identity),”; and

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

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

15 “Sections 1101(b), 1106, and 1107 of the Civil
16 Rights Act of 1964 shall apply to this title except that
17 for purposes of that application, a reference in that section
18 1106 to ‘race, color, religion, sex (including sexual orienta-
19 tion and gender identity), or national origin’ shall be con-
20 sidered to be a reference to ‘race, color, religion, sex, sex-
21 ual orientation, gender identity, national origin, age, or
22 disability’.”.

23 (g) CONGRESSIONAL ACCOUNTABILITY ACT OF
24 1995.—The Congressional Accountability Act of 1995 (2
25 U.S.C. 1301 et seq.) is amended—

1 (1) in section 201(a)(1) (2 U.S.C. 1311(a)(1))
2 by inserting “(including sexual orientation and gen-
3 der identity),” before “or national origin,”; and
4 (2) by adding at the end of title II (42 U.S.C.
5 1311 et seq.) the following:

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

7 “Sections 1101(b), 1106, and 1107 of the Civil
8 Rights Act of 1964 shall apply to section 201 (and reme-
9 dial provisions of this Act related to section 201) except
10 that for purposes of that application, a reference in that
11 section 1106 to ‘race, color, religion, sex (including sexual
12 orientation and gender identity), or national origin’ shall
13 be considered to be a reference to ‘race, color, religion,
14 sex (including sexual orientation and gender identity), na-
15 tional origin, age, or disability’.”.

16 (h) CIVIL SERVICE REFORM ACT OF 1978.—Chapter
17 23 of title 5, United States Code, is amended—

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

21 (2) in section 2302—

22 (A) in subsection (b)(1)(A), by inserting
23 “(including sexual orientation and gender iden-
24 tity),” before “or national origin,”; and

1 (B) in subsection (d)(1), by inserting “(in-
2 cluding sexual orientation and gender iden-
3 tity),” before “or national origin;”; and
4 (3) by adding at the end the following:

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

6 “Sections 1101(b), 1106, and 1107 of the Civil
7 Rights Act of 1964 shall apply to this chapter (and reme-
8 dial provisions of this title related to this chapter) except
9 that for purposes of that application, a reference in that
10 section 1106 to ‘race, color, religion, sex (including sexual
11 orientation and gender identity), or national origin’ shall
12 be considered to be a reference to ‘race, color, religion,
13 sex (including sexual orientation and gender identity), na-
14 tional origin, age, a handicapping condition, marital sta-
15 tus, or political affiliation’.”.

16 **SEC. 8. INTERVENTION.**

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

21 **SEC. 9. MISCELLANEOUS.**

22 Title XI of the Civil Rights Act of 1964 is amended—
23 (1) by redesignating sections 1101 through
24 1104 (42 U.S.C. 2000h et seq.) and sections 1105
25 and 1106 (42 U.S.C. 2000h–5, 2000h–6) as sections

1 1102 through 1105 and sections 1108 and 1109, re-
2 spectively;

3 (2) by inserting after the title heading the fol-
4 lowing:

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

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

9 “(1) RACE; COLOR; RELIGION; SEX; SEXUAL
10 ORIENTATION; GENDER IDENTITY; NATIONAL ORI-
11 GIN.—The term ‘race’, ‘color’, ‘religion’, ‘sex’ (includ-
12 ing ‘sexual orientation’ and ‘gender identity’), or
13 ‘national origin’, used with respect to an individual,
14 includes—

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

20 “(B) a perception or belief, even if inac-
21 curate, concerning the race, color, religion, sex
22 (including sexual orientation and gender iden-
23 tity), or national origin, respectively, of the in-
24 dividual.

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

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

9 “(4) SEX.—The term ‘sex’ includes—

10 “(A) a sex stereotype;

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

13 “(C) sexual orientation or gender identity;
14 and

15 “(D) sex characteristics, including intersex
16 traits.

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

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

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

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

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

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

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

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

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

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

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

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

11 **“SEC. 1107. CLAIMS.**

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

17 **SEC. 10. HOUSING.**

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

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

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

1 “(q) ‘Race’, ‘color’, ‘religion’, ‘sex’ (including ‘sexual
2 orientation’ and ‘gender identity’), ‘handicap’, ‘familial
3 status’, or ‘national origin’, used with respect to an indi-
4 vidual, includes—

5 “(1) the race, color, religion, sex (including sex-
6 ual orientation and gender identity), handicap, fa-
7 miliar status, or national origin, respectively, of an-
8 other person with whom the individual is associated
9 or has been associated; and

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

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

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

21 (4) in section 806, by inserting “(including sex-
22 ual orientation and gender identity),” after “sex,”;

23 (5) in section 808(e)(6), by inserting “(includ-
24 ing sexual orientation and gender identity),” after
25 “sex,”; and

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

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

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

8 **“SEC. 822. CLAIMS.**

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

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

21 **SEC. 11. EQUAL CREDIT OPPORTUNITY.**

22 (a) PROHIBITED DISCRIMINATION.—Section
23 701(a)(1) of the Equal Credit Opportunity Act (15 U.S.C.
24 1691(a)(1)) is amended by inserting “(including sexual
25 orientation and gender identity),” after “sex”.

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

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

5 (2) by inserting after subsection (e) the fol-
6 lowing:

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

10 “(g) The term ‘race’, ‘color’, ‘religion’, ‘national ori-
11 gin’, ‘sex’ (including ‘sexual orientation’ and ‘gender iden-
12 tity’), ‘marital status’, or ‘age’, used with respect to an
13 individual, includes—

14 “(1) the race, color, religion, national origin,
15 sex (including sexual orientation and gender iden-
16 tity), marital status, or age, respectively, of another
17 person with whom the individual is associated or has
18 been associated; and

19 “(2) a perception or belief, even if inaccurate,
20 concerning the race, color, religion, national origin,
21 sex (including sexual orientation and gender iden-
22 tity), marital status, or age, respectively, of the indi-
23 vidual.”; and

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

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

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

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

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

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

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

21 **SEC. 12. JURIES.**

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

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

4 (2) in section 1867(e), in the second sentence,
5 by inserting “(including sexual orientation and gen-
6 der identity),” after “sex,”;

7 (3) in section 1869—

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

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

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

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

16 “(m) ‘race’, ‘color’, ‘religion’, ‘sex’ (including ‘sexual
17 orientation’ and ‘gender identity’), ‘economic status’, or
18 ‘national origin’, used with respect to an individual, in-
19 cludes—

20 “(1) the race, color, religion, sex (including sex-
21 ual orientation and gender identity), economic sta-
22 tus, or national origin, respectively, of another per-
23 son with whom the individual is associated or has
24 been associated; and

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

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

7 **“§ 1879. Rules of construction and claims**

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

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

 “1879. Rules of construction and claims.”.