

119TH CONGRESS  
1ST SESSION

# S. 2037

To amend title VII of the Civil Rights Act of 1964 to prohibit discrimination against employees on the basis of expression that describes, asserts, or reinforces the binary or biological nature of sex.

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## IN THE SENATE OF THE UNITED STATES

JUNE 11, 2025

Mr. BANKS introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend title VII of the Civil Rights Act of 1964 to prohibit discrimination against employees on the basis of expression that describes, asserts, or reinforces the binary or biological nature of sex.

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 “Restoring Biological  
5 Truth to the Workplace Act”.

1 **SEC. 2. PROHIBITED UNLAWFUL EMPLOYMENT ACTION.**

2 Section 703 of the Civil Rights Act of 1964 (42  
3 U.S.C. 2000e–2) is amended by adding at the end the fol-  
4 lowing:

5 “(o)(1) It shall be an unlawful employment practice  
6 for an employer to take an action described in subsection  
7 (a) because an employee engages in covered expression,  
8 that describes, asserts, or reinforces the binary or biologi-  
9 cal nature of sex. For purposes of this paragraph, the  
10 term ‘covered expression’ means expression, inside or out-  
11 side of a workplace, through means including speech, writ-  
12 ing, or a depiction, or owning or using an item that con-  
13 tains speech, writing, or a depiction, and includes the use  
14 of pronouns.

15 “(2) It shall be an unlawful employment practice for  
16 an employer to take an action described in subsection (a)  
17 because an employee requests or uses a single-sex area  
18 that is a bathroom, changing area, or other area where  
19 physical privacy is desirable.

20 “(3) It shall not be a defense to the use of a practice  
21 described in paragraph (1) or (2) that use of the practice  
22 is job related for the position in question or consistent  
23 with business necessity.”.

24 **SEC. 3. PROHIBITED RETALIATION.**

25 Section 704(a) of the Civil Rights Act of 1964 (42  
26 U.S.C. 2000e–3(a)) is amended by inserting “, including

- 1 an unlawful employment practice prohibited under section
- 2 703(o)”after “by this title”.

