

115TH CONGRESS
1ST SESSION

S. 1006

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

IN THE SENATE OF THE UNITED STATES

MAY 2, 2017

Mr. MERKLEY (for himself, Ms. BALDWIN, Mr. BOOKER, Mr. BENNET, Mr. BLUMENTHAL, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COONS, Ms. CORTEZ MASTO, Ms. DUCKWORTH, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Ms. HARRIS, Ms. HASSAN, Mr. HEINRICH, Ms. HEITKAMP, Ms. HIRONO, Mr. KAINE, Mr. KING, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MARKEY, Mrs. McCASKILL, Mr. MENENDEZ, Mr. MURPHY, Mrs. MURRAY, Mr. NELSON, Mr. PETERS, Mr. REED, Mr. SANDERS, Mr. SCHATZ, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. TESTER, Mr. UDALL, Mr. VAN HOLLEN, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. FINDINGS AND PURPOSE.**

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

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

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

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

1 nation prevents the full participation of LGBT peo-
2 ple in society and disrupts the free flow of com-
3 merce.

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

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

15 (6) The discredited practice known as “conver-
16 sion therapy” is a form of discrimination that harms
17 LGBT people by undermining individuals sense of
18 self worth, increasing suicide ideation and substance
19 abuse, exacerbating family conflict, and contributing
20 to second class status.

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

1 (A) is particularly troubling and inappro-
2 priate for programs and services funded wholly
3 or in part by the Federal Government;

4 (B) undermines national progress toward
5 equal treatment regardless of sex, sexual ori-
6 entation, or gender identity; and

7 (C) is inconsistent with the constitutional
8 principle of equal protection under the Four-
9 teenth Amendment of the Constitution of the
10 United States.

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

17 (9) Numerous provisions of Federal law ex-
18 pressly prohibit discrimination on the basis of sex,
19 and Federal agencies and courts have correctly in-
20 terpreted these prohibitions on sex discrimination to
21 include discrimination based on sexual orientation,
22 gender identity, and sex stereotypes. In particular,
23 the Equal Employment Opportunity Commission
24 correctly interpreted title VII of the Civil Rights Act

1 of 1964 in *Macy v. Holder*, *Baldwin v. Foxx*, and
2 *Lusardi v. McHugh*.

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

15 (11) LGBT people often face discrimination
16 when seeking to rent or purchase housing, as well as
17 in every other aspect of obtaining and maintaining
18 housing. LGBT people in same-sex relationships are
19 often discriminated against when two names associ-
20 ated with one gender appear on a housing applica-
21 tion, and transgender people often encounter dis-
22 crimination when credit checks or inquiries reveal a
23 former name.

24 (12) National surveys, including a study com-
25 missioned by the Department of Housing and Urban

1 Development, show that housing discrimination
 2 against LGBT people is very prevalent. For in-
 3 stance, when same-sex couples inquire about housing
 4 that is available for rent, they are less likely to re-
 5 ceive positive responses from landlords. According to
 6 other studies, transgender people have half the
 7 homeownership rate of non-transgender people and
 8 about 1 in 5 transgender people experience home-
 9 lessness.

10 (13) As a result of the absence of explicit prohi-
 11 bitions against discrimination on the basis of sexual
 12 orientation and gender identity, credit applicants
 13 who are LGBT, or perceived to be LGBT, have un-
 14 equal opportunities to establish credit. LGBT people
 15 can experience being denied a mortgage, credit card,
 16 student loan, or many other types of credit simply
 17 because of their sexual orientation or gender iden-
 18 tity.

19 (14) Numerous studies demonstrate that LGBT
 20 people, especially transgender people and women, are
 21 economically disadvantaged and at a higher risk for
 22 poverty compared with other groups of people.

23 (15) The right to an impartial jury of one's
 24 peers and the reciprocal right to jury service are
 25 fundamental to the free and democratic system of

1 justice in the United States and are based in the
2 Bill of Rights. There is, however, an unfortunate
3 and long-documented history in the United States of
4 attorneys discriminating against LGBT individuals,
5 or those perceived to be LGBT, in jury selection.
6 Failure to bar peremptory challenges based on the
7 actual or perceived sexual orientation or gender
8 identity of an individual not only erodes a funda-
9 mental right, duty, and obligation of being a citizen
10 of the United States, but also unfairly creates a sec-
11 ond class of citizenship for LGBT victims, witnesses,
12 plaintiffs, and defendants.

13 (b) PURPOSE.—It is the purpose of this Act to ex-
14 pand as well as clarify, confirm and create greater consist-
15 ency in the protections against discrimination on the basis
16 of all covered characteristics and to provide guidance and
17 notice to individuals, organizations, corporations, and
18 agencies regarding their obligations under the law.

19 **SEC. 3. PUBLIC ACCOMMODATIONS.**

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

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

1 (2) in subsection (b)—

2 (A) in paragraph (3), by striking “sta-
3 dium” and all that follows and inserting “sta-
4 dium or other place of or establishment that
5 provides exhibition, entertainment, recreation,
6 exercise, amusement, gathering, or display;”;

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

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

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

18 “(5) any train service, bus service, car service,
19 taxi service, airline service, station, depot, or other
20 place of or establishment that provides transpor-
21 tation service; and”.

22 (b) PROHIBITION ON DISCRIMINATION OR SEGREGA-
23 TION UNDER LAW.—Section 202 of such Act (42 U.S.C.
24 2000a–1) is amended by inserting “sex, sexual orienta-
25 tion, gender identity,” before “or national origin”.

1 (c) RULE OF CONSTRUCTION.—Title II of such Act
 2 (42 U.S.C. 2000a et seq.) is amended by adding at the
 3 end the following:

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

5 “A reference in this title to an establishment—

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

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

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

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

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

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

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

24 (c) CLASSIFICATION AND ASSIGNMENT.—Section 410
 25 of such Act (42 U.S.C. 2000c–9) is amended by inserting

1 “, sexual orientation, gender identity,” before “or national
2 origin”.

3 **SEC. 6. FEDERAL FUNDING.**

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

7 **SEC. 7. EMPLOYMENT.**

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

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

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

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

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

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

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

6 (4) in subsection (h), by striking “sex” the sec-
7 ond place it appears and inserting “sex, sexual ori-
8 entation, gender identity,”.

9 (c) OTHER UNLAWFUL EMPLOYMENT PRACTICES.—
10 Section 704(b) of the Civil Rights Act of 1964 (42 U.S.C.
11 2000e–3(b)) is amended—

12 (1) by striking “sex,” the first place it appears
13 and inserting “sex, sexual orientation, gender iden-
14 tity,”; and

15 (2) by striking “employment.” and inserting
16 “employment, if, in a situation in which sex is a
17 bona fide occupational qualification, individuals are
18 recognized as qualified in accordance with their gen-
19 der identity.”.

20 (d) CLAIMS.—Section 706(g)(2)(A) of the Civil
21 Rights Act of 1964 (2000e–5(g)(2)(A)) is amended by
22 striking “sex,” and inserting “sex, sexual orientation, gen-
23 der identity,”.

1 (e) EMPLOYMENT BY FEDERAL GOVERNMENT.—Sec-
 2 tion 717 of the Civil Rights Act of 1964 (42 U.S.C.
 3 2000e–16) is amended—

4 (1) in subsection (a), by striking “sex,” and in-
 5 serting “sex, sexual orientation, gender identity,”;
 6 and

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

9 (f) GOVERNMENT EMPLOYEE RIGHTS ACT OF
 10 1991.—The Government Employee Rights Act of 1991
 11 (42 U.S.C. 2000e–16a et seq.) is amended—

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

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

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

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

19 “Sections 1101(b), 1106, and 1107 of the Civil
 20 Rights Act of 1964 shall apply to this title except that
 21 for purposes of that application, a reference in that section
 22 1106 to ‘race, color, religion, sex, sexual orientation, gen-
 23 der identity, or national origin’ shall be considered to be
 24 a reference to ‘race, color, religion, sex, sexual orientation,
 25 gender identity, national origin, age, or disability’.”.

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

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

7 (2) by adding at the end of title II (42 U.S.C.
 8 1311 et seq.) the following:

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

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

19 (h) CIVIL SERVICE REFORM ACT OF 1978.—Chapter
 20 23 of title 5, United States Code, is amended—

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

24 (2) in section 2302—

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

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

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

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

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

18 **SEC. 8. INTERVENTION.**

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

22 **SEC. 9. MISCELLANEOUS.**

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

24 (1) by redesignating sections 1101 through
 25 1104 (42 U.S.C. 2000h et seq.) and sections 1105

1 and 1106 (42 U.S.C. 2000h–5, 2000h–6) as sections
 2 1102 through 1105 and sections 1108 and 1109, re-
 3 spectively;

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

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

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

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

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

20 “(B) a perception or belief, even if inac-
 21 curate, concerning the race, color, religion, sex,
 22 sexual orientation, gender identity, or national
 23 origin, respectively, of the individual.

24 “(2) GENDER IDENTITY.—The term ‘gender
 25 identity’ means the gender-related identity, appear-

1 ance, mannerisms, or other gender-related character-
 2 istics of an individual, regardless of the individual’s
 3 designated sex at birth.

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

7 “(4) SEX.—The term ‘sex’ includes—

8 “(A) a sex stereotype;

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

11 “(C) sexual orientation or gender identity.

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

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

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

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

1 (3) by inserting after section 1105 the fol-
 2 lowing:

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

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

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

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

15 “(b) CLAIMS AND REMEDIES NOT PRECLUDED.—
 16 Nothing in section 1101 or a covered title shall be con-
 17 strued to limit the claims or remedies available to any indi-
 18 vidual for an unlawful practice on the basis of race, color,
 19 religion, sex, sexual orientation, gender identity, or na-
 20 tional origin including claims brought pursuant to section
 21 1979 or 1980 of the Revised Statutes (42 U.S.C. 1983,
 22 1985) or any other law, including a Federal law amended
 23 by the Equality Act, regulation, or policy.

24 “(c) NO NEGATIVE INFERENCE.—Nothing in section
 25 1101 or a covered title shall be construed to support any

1 inference that any Federal law prohibiting a practice on
 2 the basis of sex does not prohibit discrimination on the
 3 basis of pregnancy, childbirth, or a related medical condi-
 4 tion, sexual orientation, gender identity, or a sex stereo-
 5 type.

6 **“SEC. 1107. CLAIMS.**

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

12 **SEC. 10. HOUSING.**

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

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

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

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

24 “(1) the race, color, religion, sex, sexual ori-
 25 entation, gender identity, handicap, familial status,

1 or national origin, respectively, of another person
 2 with whom the individual is associated or has been
 3 associated; and

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

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

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

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

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

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

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

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

1 **“SEC. 822. CLAIMS.**

2 “Section 1107 of the Civil Rights Act of 1964 shall
3 apply to this title and section 901, except that for pur-
4 poses of that application, a reference in that section 1107
5 to a ‘covered title’ shall be considered a reference to ‘this
6 title and section 901’.”.

7 (b) PREVENTION OF INTIMIDATION IN FAIR HOUS-
8 ING CASES.—Section 901 of the Civil Rights Act of 1968
9 (42 U.S.C. 3631) is amended by inserting “sexual orienta-
10 tion (as such term is defined in section 802 of this Act),
11 gender identity (as such term is defined in section 802
12 of this Act),” after “sex,” each place that term appears.

13 **SEC. 11. EQUAL CREDIT OPPORTUNITY.**

14 (a) PROHIBITED DISCRIMINATION.—Section
15 701(a)(1) of the Equal Credit Opportunity Act (15 U.S.C.
16 1691(a)(1)) is amended by inserting “sexual orientation,
17 gender identity,” after “status,”.

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

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

22 (2) by inserting after subsection (e) the fol-
23 lowing:

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

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

5 “(1) the race, color, religion, national origin,
 6 sex, sexual orientation, gender identity, marital sta-
 7 tus, or age, respectively, of another person with
 8 whom the individual is associated or has been associ-
 9 ated; and

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

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

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

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

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

24 (c) RELATION TO STATE LAWS.—Section 705(a) of
 25 the Equal Credit Opportunity Act (15 U.S.C. 1691d(a))

1 is amended by inserting “, sexual orientation, gender iden-
2 tity,” 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 “sexual ori-
14 entation, gender identity,” after “sex,”;

15 (2) in section 1867(e), in the second sentence,
16 by inserting “sexual orientation, gender identity,”
17 after “sex,”;

18 (3) in section 1869—

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

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

23 (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’, ‘sexual orienta-
 5 tion’, ‘gender identity’, ‘economic status’, or ‘national ori-
 6 gin’, used with respect to an individual, includes—

7 “(1) the race, color, religion, sex, sexual ori-
 8 entation, gender identity, economic status, or na-
 9 tional origin, respectively, of another person with
 10 whom the individual is associated or has been associ-
 11 ated; and

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

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

17 **“§ 1879. Rules of construction and claims**

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

23 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 24 The table of sections for chapter 121 of title 28, United

- 1 States Code, is amended by adding at the end the fol-
- 2 lowing:

“1879. Rules of construction and claims.”.

