

Congressman David N. Cicilline

Fact Sheet

THE EQUALITY ACT

Ending Discrimination against LGBT Americans in Public Accommodations, Education, Federal Financial Assistance, Employment, Housing, Credit, and Federal Jury Service

Section 1: Short Title

Section 2: Public Accommodations

- Amends Title II of the Civil Rights Act of 1964 to add sex, sexual orientation, and gender identity to the list of already protected classes (joining race, color, religion and national origin).
- Expands the types of public accommodations receiving federal protection to cover nearly every entity that provides goods, services, or programs, including: retail stores, banks, and those that provide transportation and health care services. (This expands on the list of types of public accommodations that was included in the Civil Rights Act of 1964 to cover facilities included in more recent civil rights laws, such as the Americans with Disabilities Act.)

Section 3: Public Education

- Amends Title IV of the Civil Rights Act of 1964 to add sexual orientation and gender identity to the list of already protected classes (joining race, color, religion, sex and national origin).

Section 4: Federal Funding

- Amends Title VI of the Civil Rights Act of 1964 to add sex, sexual orientation, and gender identity to the list of already protected classes (joining race, color, and national origin) to ensure that entities receiving federal funds cannot discriminate in a range of programs such as healthcare, child welfare, nutrition assistance, public education, or financial assistance for higher education.

Sections 5: Employment

- Amends Title VII of the Civil Rights Act of 1964 to add sexual orientation and gender identity to the list of already protected classes (joining race, color, religion, sex, and national origin).
 - Applies to same employers as current law, including public and private sector entities with at least 15 employees, as well as labor organizations.
- Makes no change to the existing religious exemption, so that discrimination on the basis of sexual orientation or gender identity is treated exactly the same as discrimination on the basis of race, sex, or national origin. The revised statute would continue to allow religious corporations, associations, educational institutions, and societies to hire only individuals of a particular religion to perform work connected with their religious activities.
- Amends the Government Employees Rights Act of 1991 and the Civil Service Reform Act to add sexual orientation and gender identity to the list of protected classes (race, color, religion, sex and national origin) to protect employees of the Federal Government, the Government of the District of Columbia, and other government offices and organizations.

Section 6: Intervention

- Amends Title IX of the Civil Rights Act of 1964 to add sexual orientation and gender identity to the list of already protected classes (joining race, color, religion, sex and national origin), allowing the Attorney General to intervene in equal protection cases under the 14th Amendment.

Section 7: Miscellaneous

- Adds new definitions and rules of construction to Title XI of the Civil Rights Act of 1964 (incorporated into the U.S. Code as Title IX) that will apply to all of the titles of the Civil Rights Act and other statutes amended by this bill. Those definitions and rules of construction:
 - Clarify that where sex-segregated facilities exist, individuals must be admitted in accordance with their gender identity;
 - Ensure that existing definitions of and protections for pregnant women are not modified;
 - Ensure that protections against discrimination for protected classes also apply when discrimination is based on an inaccurate perception that someone is a member of a protected class, and also apply to discrimination against someone for associating with members of a protected class.
- Clarifies that the Religious Freedom Restoration Act (RFRA) cannot be used a defense for individuals or entities to discriminate on any basis under any provision of existing law amended by this Act.

Section 8: Housing

- Amends the Fair Housing Act to add sexual orientation and gender identity as protected classes (joining race, color, religion, sex, marital status, and national origin) to ensure that LGBT individuals have redress for discrimination in any aspect of the sale, rental, or financing of housing. Does not alter the exemption for religious organizations or private clubs or require the collection of data on the sexual orientation and gender identity of applicants, participants or beneficiaries in federal housing programs.
- Clarifies that nothing in the Fair Housing Act shall be construed to require the construction of new or additional facilities except where required by the Americans with Disabilities Act.

Section 9: Equal Credit Opportunity

- Amends the Equal Credit Opportunity Act to add sexual orientation and gender identity as protected classes (joining race, color, religion, sex, marital status, and national origin).
- Substitutes term “spouse” where the Act currently references “husband and wife” to ensure married same-sex couples are fully included.

Section 10: Juries

- Amends the Jury Selection and Service Act to add sexual orientation and gender identity as protected classes (joining race, color, religion, sex and national origin) to provide clear Federal protections against exclusion from service as a juror in the district courts of the United States or in the Court of International Trade.

For further information or to co-sponsor, contact Sarah Trister with Congressman Cicilline at 54911 or Roddy Flynn with the Equality Caucus at 52161.