

# H. R. 5, Equality Act

With Comments by Rev. Edward D. Seely, Th.M., Ph.D.

See also Statement by Lutheran Church Missouri Synod President Rev. Dr. Matthew C. Harrison at <https://blogs.lcms.org/2021/lcms-presidents-statement-on-the-equality-act>

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All Congresses 93-117 (1973-2022)117 (2021-2022)116 (2019-2020)115 (2017-2018)114 (2015-2016)113 (2013-2014)112 (2011-2012)111 (2009-2010)110 (2007-2008)109 (2005-2006)108 (2003-2004)107 (2001-2002)106 (1999-2000)105 (1997-1998)104 (1995-1996)103 (1993-1994)102 (1991-1992)101 (1989-1990)100 (1987-1988)99 (1985-1986)98 (1983-1984)97 (1981-1982)96 (1979-1980)95 (1977-1978)94 (1975-1976)93 (1973-1974)

Any Legislative Action Introduced (Bills and Resolutions)Committee or floor actions Reported to House/Committee discharged Reported to Senate/Committee discharged House floor actions Senate floor actions Failed of passage/not agreed to in House Failed of passage/not agreed to in Senate Passed/agreed to in House Passed/agreed to in Senate Passed/agreed to in House and Senate Resolving differences including conferences Conference report agreed to in House and Senate Vetoes and pocket vetoes Laws

Any Representative Adams, Alma S. [D-NC] (113th-117th)Aderholt, Robert B. [R-AL] (105th-117th)Aguilar, Pete [D-CA] (114th-117th)Allen, Rick W. [R-GA] (114th-117th)Allred, Colin Z. [D-TX] (116th-117th) Amodei, Mark E. [R-NV] (112th-117th) Armstrong, Kelly [R-ND] (116th-117th)Arrington, Jodey C. [R-TX] (115th-117th) Auchincloss, Jake [D-MA] (117th) Axne, Cynthia [D-IA] (116th-117th) Babin, Brian [R-TX] (114th-117th) Bacon, Don [R-NE] (115th-117th) Baird, James R. [R-IN] (116th-117th) Balderson, Troy [R-OH] (115th-117th) Banks, Jim [R-IN] (115th-117th) Barr, Andy [R-KY] (113th-117th) Barragan, Nanette Diaz [D-CA] (115th-117th) Bass, Karen [D-CA] (112th-117th) Beatty, Joyce [D-OH] (113th-117th) Bentz, Cliff [R-OR] (117th) Bera, Ami [D-CA] (113th-117th) Bergman, Jack [R-MI] (115th-117th) Beyer, Donald S., Jr. [D-VA] (114th-117th) Bice, Stephanie I. [R-OK] (117th) Biggs, Andy [R-AZ] (115th-117th) Bilirakis, Gus M. [R-FL] (110th-117th) Bishop, Dan [R-NC] (116th-117th) Bishop, Sanford D., Jr. [D-GA] (103rd-117th) Blumenauer, Earl [D-OR] (104th-117th) Blunt Rochester, Lisa [D-DE] (115th-117th) Boebert, Lauren [R-CO] (117th) Bonamici, Suzanne [D-OR] (112th-117th) Bost, Mike [R-IL] (114th-117th) Bourdeaux, Carolyn [D-GA] (117th) Bowman, Jamaal [D-NY] (117th) Boyle, Brendan F. [D-PA] (114th-117th) Brady, Kevin [R-TX] (105th-117th) Brooks, Mo [R-AL] (112th-117th) Brown, Anthony G. [D-MD] (115th-117th) Brownley, Julia [D-CA] (113th-117th) Buchanan, Vern [R-FL] (110th-117th) Buck, Ken [R-CO] (114th-117th) Bucshon, Larry [R-IN] (112th-117th) Budd, Ted [R-NC] (115th-117th) Burchett, Tim [R-TN] (116th-117th) Burgess, Michael C. [R-TX] (108th-117th) Bush, Cori [D-MO] (117th) Bustos, Cheri [D-IL] (113th-117th) Butterfield, G. K. [D-NC] (108th-117th) Calvert, Ken [R-CA] (103rd-117th) Cammack, Kat [R-FL] (117th) Carbajal, Salud O. [D-CA] (115th-117th) Cardenas, Tony [D-CA] (113th-117th) Carl, Jerry L. [R-AL] (117th) Carson, Andre [D-IN] (110th-117th) Carter, Earl L. "Buddy" [R-GA] (114th-117th) Carter, John R. [R-TX] (108th-117th) Cartwright, Matt [D-PA] (113th-117th) Case, Ed [D-HI] (107th-109th) (116th-117th) Casten, Sean [D-IL] (116th-117th) Castor, Kathy [D-FL] (110th-117th) Castro, Joaquin [D-TX] (113th-117th) Cawthorn, Madison [R-NC] (117th) Chabot, Steve [R-OH] (104th-110th) (112th-117th) Cheney, Liz [R-WY] (115th-117th) Chu, Judy [D-CA] (111th-117th) Cicilline, David N. [D-RI] (112th-117th) Clark, Katherine M. [D-MA] (113th-117th) Clarke, Yvette D. [D-NY] (110th-117th) Cleaver, Emanuel [D-MO] (109th-117th) Cline, Ben [R-VA] (116th-117th) Cloud, Michael [R-TX] (115th-117th) Clyburn, James E. [D-SC] (103rd-117th) Clyde, Andrew S. [R-GA] (117th) Cohen, Steve [D-TN] (110th-117th) Cole, Tom [R-OK] (108th-117th) Comer, James [R-KY] (114th-117th) Connolly, Gerald E. [D-VA] (111th-117th) Cooper, Jim [D-TN] (98th-103rd) (108th-117th) Correa, J. Luis [D-CA] (115th-117th) Costa, Jim [D-CA] (109th-117th) Courtney, Joe [D-CT] (110th-117th) Craig, Angie [D-MN] (116th-117th) Crawford, Eric A. "Rick" [R-AR] (112th-117th) Crenshaw, Dan [R-TX] (116th-117th) Crist, Charlie [D-FL] (115th-117th) Crow, Jason [D-CO] (116th-117th) Cuellar, Henry [D-TX] (109th-117th) Curtis, John R. [R-UT] (115th-117th) Davids, Sharice [D-KS] (116th-117th) Davidson, Warren [R-OH] (114th-117th) Davis, Danny K. [D-IL] (105th-

117th)Davis, Rodney [R-IL] (113th-117th)Dean, Madeleine [D-PA] (116th-117th)DeFazio, Peter A. [D-OR] (100th-117th)DeGette, Diana [D-CO] (105th-117th)DeLauro, Rosa L. [D-CT] (102nd-117th)DelBene, Suzan K. [D-WA] (112th-117th)Delgado, Antonio [D-NY] (116th-117th) Demings, Val Butler [D-FL] (115th-117th)DeSaulnier, Mark [D-CA] (114th-117th) DesJarlais, Scott [R-TN] (112th-117th) Deutch, Theodore E. [D-FL] (111th-117th)Diaz-Balart, Mario [R-FL] (108th-117th)Dingell, Debbie [D-MI] (114th-117th)Doggett, Lloyd [D-TX] (104th-117th) Donalds, Byron [R-FL] (117th)Doyle, Michael F. [D-PA] (104th-117th)Duncan, Jeff [R-SC] (112th-117th)Dunn, Neal P. [R-FL] (115th-117th)Emmer, Tom [R-MN] (114th-117th)Escobar, Veronica [D-TX] (116th-117th)Eshoo, Anna G. [D-CA] (103rd-117th)Espaillat, Adriano [D-NY] (115th-117th)Estes, Ron [R-KS] (115th-117th)Evans, Dwight [D-PA] (114th-117th)Fallon, Pat [R-TX] (117th) Feenstra, Randy [R-IA] (117th)Ferguson, A. Drew, IV [R-GA] (115th-117th)Fischbach, Michelle [R-MN] (117th)Fitzgerald, Scott [R-WI] (117th)Fitzpatrick, Brian K. [R-PA] (115th-117th)Fleischmann, Charles J. "Chuck" [R-TN] (112th-117th)Fletcher, Lizzie [D-TX] (116th-117th)Fortenberry, Jeff [R-NE] (109th-117th)Foster, Bill [D-IL] (110th-111th) (113th-117th)Foxy, Virginia [R-NC] (109th-117th)Frankel, Lois [D-FL] (113th-117th)Franklin, C. Scott [R-FL] (117th)Fudge, Marcia L. [D-OH] (110th-117th)Fulcher, Russ [R-ID] (116th-117th) Gaetz, Matt [R-FL] (115th-117th) Gallagher, Mike [R-WI] (115th-117th)Gallego, Ruben [D-AZ] (114th-117th)Garamendi, John [D-CA] (111th-117th) Garbarino, Andrew R. [R-NY] (117th)Garcia, Jesus G. "Chuy" [D-IL] (116th-117th)Garcia, Mike [R-CA] (116th-117th)Garcia, Sylvia R. [D-TX] (116th-117th)Gibbs, Bob [R-OH] (112th-117th)Gimenez, Carlos A. [R-FL] (117th)Gohmert, Louie [R-TX] (109th-117th)Golden, Jared F. [D-ME] (116th-117th)Gomez, Jimmy [D-CA] (115th-117th)Gonzales, Tony [R-TX] (117th)Gonzalez, Anthony [R-OH] (116th-117th)Gonzalez, Vicente [D-TX] (115th-117th)Gonzalez-Colon, Jenniffer [R-PR] (115th-117th)Good, Bob [R-VA] (117th)Gooden, Lance [R-TX] (116th-117th) Gosar, Paul A. [R-AZ] (112th-117th) Gottheimer, Josh [D-NJ] (115th-117th)Granger, Kay [R-TX] (105th-117th)Graves, Garret [R-LA] (114th-117th)Graves, Sam [R-MO] (107th-117th)Green, Al [D-TX] (109th-117th)Green, Mark E. [R-TN] (116th-117th)Greene, Marjorie Taylor [R-GA] (117th)Griffith, H. Morgan [R-VA] (112th-117th)Grijalva, Raul M. [D-AZ] (108th-117th)Grothman, Glenn [R-WI] (114th-117th)Guest, Michael [R-MS] (116th-117th)Guthrie, Brett [R-KY] (111th-117th)Haaland, Debra A. [D-NM] (116th-117th)Hagedorn, Jim [R-MN] (116th-117th)Harder, Josh [D-CA] (116th-117th)Harris, Andy [R-MD] (112th-117th)Harshbarger, Diana [R-TN] (117th)Hartzler, Vicky [R-MO] (112th-117th)Hastings, Alcee L. [D-FL] (103rd-117th)Hayes, Jahana [D-CT] (116th-117th)Hern, Kevin [R-OK] (115th-117th) Herrell, Yvette [R-NM] (117th)Herrera Beutler, Jaime [R-WA] (112th-117th) Hice, Jody B. [R-GA] (114th-117th)Higgins, Brian [D-NY] (109th-117th)Higgins, Clay [R-LA] (115th-117th)Hill, J. French [R-AR] (114th-117th)Himes, James A. [D-CT] (111th-117th)Hinson, Ashley [R-IA] (117th)Hollingsworth, Trey [R-IN] (115th-117th)Horsford, Steven [D-NV] (113th) (116th-117th) Houlahan, Chrissy [D-PA] (116th-117th) Hoyer, Steny H. [D-MD] (97th-117th)Hudson, Richard [R-NC] (113th-117th)Huffman, Jared [D-CA] (113th-117th) Huienga, Bill [R-MI] (112th-117th)Issa, Darrell E. [R-CA] (107th-115th) (117th)Jackson, Ronny [R-TX] (117th)Jackson Lee, Sheila [D-TX] (104th-117th)Jacobs, Chris [R-NY] (116th-117th)Jacobs, Sara [D-CA] (117th)Jayapal, Pramila [D-WA] (115th-117th)Jeffries, Hakeem S. [D-NY] (113th-117th)Johnson, Bill [R-OH] (112th-117th)Johnson, Dusty [R-SD] (116th-117th)Johnson, Eddie Bernice [D-TX] (103rd-117th)Johnson, Henry C. "Hank," Jr. [D-GA] (110th-117th)Johnson, Mike [R-LA] (115th-117th)Jones, Mondaire [D-NY] (117th)Jordan, Jim [R-OH] (110th-117th)Joyce, David P. [R-OH] (113th-117th)Joyce, John [R-PA] (116th-117th) Kahele, Kaiiali'i [D-HI] (117th)Kaptur, Marcy [D-OH] (98th-117th) Katko, John [R-NY] (114th-117th)Keating, William R. [D-MA] (112th-117th)Keller, Fred [R-PA] (116th-117th)Kelly, Mike [R-PA] (112th-117th)Kelly, Robin L. [D-IL] (113th-117th)Kelly, Trent [R-MS] (114th-117th)Khanna, Ro [D-CA] (115th-117th)Kildee, Daniel T. [D-MI] (113th-117th)Kilmer, Derek [D-WA] (113th-117th)Kim, Andy [D-NJ] (116th-117th)Kim, Young [R-CA] (117th)Kind, Ron [D-WI] (105th-117th) Kinzinger, Adam [R-IL] (112th-117th)Kirkpatrick, Ann [D-AZ] (111th) (111th-114th) (116th-117th) Krishnamoorthi, Raja [D-IL] (115th-117th) Kuster, Ann M. [D-NH] (113th-117th) Kustoff, David [R-TN] (115th-117th)LaHood, Darin [R-IL] (114th-117th)LaMalfa, Doug [R-CA] (113th-117th)Lamb, Conor [D-PA] (115th-117th)Lamborn, Doug [R-CO] (110th-117th)Langevin, James R. [D-RI] (107th-117th)Larsen, Rick [D-WA] (107th-117th)Larson, John B. [D-CT] (106th-117th) Latta, Robert E. [R-OH] (110th-117th) LaTurner, Jake [R-KS] (117th)Lawrence, Brenda L. [D-MI] (114th-117th)Lawson, Al, Jr. [D-FL] (115th-117th)Lee, Barbara [D-CA] (105th-117th)Lee, Susie [D-NV] (116th-117th)Leger Fernandez, Teresa [D-NM] (117th)Lesko, Debbie [R-AZ] (115th-117th)Levin, Andy [D-MI] (116th-117th)Levin, Mike [D-CA] (116th-117th)Lieu, Ted [D-CA] (114th-117th)Lofgren, Zoe [D-CA] (104th-117th)Long, Billy [R-MO] (112th-117th)Loudermilk, Barry [R-GA] (114th-117th)Lowenthal, Alan S. [D-CA] (113th-117th)Lucas, Frank D. [R-OK] (103rd-117th)Luetkemeyer, Blaine [R-MO] (111th-117th)Luria, Elaine G. [D-VA] (116th-117th)Lynch, Stephen F. [D-MA] (107th-117th) Mace, Nancy [R-SC] (117th)Malinowski, Tom [D-NJ] (116th-117th) Malliotakis, Nicole [R-NY] (117th)Maloney, Carolyn B. [D-NY] (103rd-117th)Maloney, Sean Patrick [D-NY] (113th-117th)Mann, Tracey [R-KS] (117th)Manning, Kathy E. [D-NC] (117th)Massie, Thomas [R-KY] (112th-117th)Mast, Brian J. [R-FL] (115th-117th)Matsui, Doris O. [D-CA] (109th-117th)McBath, Lucy [D-GA] (116th-117th)McCarthy, Kevin [R-CA] (110th-117th)McCauley, Michael T. [R-TX] (109th-117th)McClain, Lisa C. [R-MI] (117th)McClintock, Tom [R-CA] (111th-117th)McCollum, Betty [D-MN] (107th-117th)McEachin, A. Donald [D-VA] (115th-117th)McGovern, James P. [D-MA] (105th-117th)McHenry, Patrick T. [R-NC] (109th-117th)McKinley, David B. [R-WV] (112th-117th)McMorris Rodgers, Cathy [R-WA] (109th-117th)McNerney, Jerry [D-CA] (110th-117th)Meeks, Gregory W. [D-NY] (105th-117th)Meijer, Peter [R-MI] (117th)Meng, Grace [D-NY] (113th-117th)Meuser, Daniel [R-PA] (116th-117th)Mfume, Kweisi [D-MD] (100th-104th) (116th-117th)Miller, Carol D. [R-WV] (116th-117th)Miller, Mary E. [R-IL] (117th)Miller-Meeks, Mariannette [R-IA] (117th) Moolenaar, John R. [R-MI] (114th-117th)Mooney, Alexander X. [R-WV] (114th-

117th)Moore, Barry [R-AL] (117th)Moore, Blake D. [R-UT] (117th)Moore, Gwen [D-WI] (109th-117th) Morelle, Joseph D. [D-NY] (115th-117th)Moulton, Seth [D-MA] (114th-117th) Mrvan, Frank J. [D-IN] (117th)Mullin, Markwayne [R-OK] (113th-117th)Murphy, Gregory [R-NC] (116th-117th)Murphy, Stephanie N. [D-FL] (115th-117th)Nadler, Jerrold [D-NY] (102nd-117th)Napolitano, Grace F. [D-CA] (106th-117th)Neal, Richard E. [D-MA] (101st-117th)Neguse, Joe [D-CO] (116th-117th) Nehls, Troy E. [R-TX] (117th)Newhouse, Dan [R-WA] (114th-117th)Newman, Marie [D-IL] (117th)Norcross, Donald [D-NJ] (113th-117th)Norman, Ralph [R-SC] (115th-117th)Norton, Eleanor Holmes [D-DC] (102nd-117th)Nunes, Devin [R-CA] (108th-117th) O'Halleran, Tom [D-AZ] (115th-117th) Obernolte, Jay [R-CA] (117th)Ocasio-Cortez, Alexandria [D-NY] (116th-117th)Omar, Ilhan [D-MN] (116th-117th)Owens, Burgess [R-UT] (117th)Palazzo, Steven M. [R-MS] (112th-117th)Pallone, Frank, Jr. [D-NJ] (100th-117th)Palmer, Gary J. [R-AL] (114th-117th)Panetta, Jimmy [D-CA] (115th-117th)Pappas, Chris [D-NH] (116th-117th)Pascrell, Bill, Jr. [D-NJ] (105th-117th)Payne, Donald M., Jr. [D-NJ] (112th-117th)Pelosi, Nancy [D-CA] (100th-117th)Pence, Greg [R-IN] (116th-117th)Perlmutter, Ed [D-CO] (110th-117th)Perry, Scott [R-PA] (113th-117th)Peters, Scott H. [D-CA] (113th-117th) Pfluger, August [R-TX] (117th)Phillips, Dean [D-MN] (116th-117th)Pingree, Chellie [D-ME] (111th-117th)Plaskett, Stacey E. [D-VI] (114th-117th) Pocan, Mark [D-WI] (113th-117th)Porter, Katie [D-CA] (116th-117th)Posey, Bill [R-FL] (111th-117th)Pressley, Ayanna [D-MA] (116th-117th)Price, David E. [D-NC] (100th-103rd) (105th-117th)Quigley, Mike [D-IL] (111th-117th) Radewagen, Aumua Amata Coleman [R-AS] (114th-117th) Raskin, Jamie [D-MD] (115th-117th)Reed, Tom [R-NY] (111th-117th) Reschenthaler, Guy [R-PA] (116th-117th)Rice, Kathleen M. [D-NY] (114th-117th)Rice, Tom [R-SC] (113th-117th)Richmond, Cedric L. [D-LA] (112th-117th)Rogers, Harold [R-KY] (97th-117th)Rogers, Mike D. [R-AL] (108th-117th)Rose, John W. [R-TN] (116th-117th)Rosendale Sr., Matthew M. [R-MT] (117th)Ross, Deborah K. [D-NC] (117th) Rouzer, David [R-NC] (114th-117th)Roy, Chip [R-TX] (116th-117th)Roybal-Allard, Lucille [D-CA] (103rd-117th)Ruiz, Raul [D-CA] (113th-117th)Ruppersberger, C. A. Dutch [D-MD] (108th-117th)Rush, Bobby L. [D-IL] (103rd-117th)Rutherford, John H. [R-FL] (115th-117th)Ryan, Tim [D-OH] (108th-117th)Sablan, Gregorio Kilili Camacho [D-MP] (111th-117th)Salazar, Maria Elvira [R-FL] (117th)Sanchez, Linda T. [D-CA] (108th-117th)San Nicolas, Michael F. Q. [D-GU] (116th-117th)Sarbanes, John P. [D-MD] (110th-117th)Scalise, Steve [R-LA] (110th-117th)Scanlon, Mary Gay [D-PA] (115th-117th)Schakowsky, Janice D. [D-IL] (106th-117th)Schiff, Adam B. [D-CA] (107th-117th)Schneider, Bradley Scott [D-IL] (113th) (115th-117th)Schrader, Kurt [D-OR] (111th-117th)Schrier, Kim [D-WA] (116th-117th) Schweikert, David [R-AZ] (112th-117th)Scott, Austin [R-GA] (112th-117th)Scott, David [D-GA] (108th-117th)Scott, Robert C. "Bobby" [D-VA] (103rd-117th)Sessions, Pete [R-TX] (105th-115th) (117th)Sewell, Terri A. [D-AL] (112th-117th)Sherman, Brad [D-CA] (105th-117th)Sherrill, Mikie [D-NJ] (116th-117th)Simpson, Michael K. [R-ID] (106th-117th)Sires, Albio [D-NJ] (109th-117th) Slotkin, Elissa [D-MI] (116th-117th)Smith, Adam [D-WA] (105th-117th)Smith, Adrian [R-NE] (110th-117th)Smith, Christopher H. [R-NJ] (97th-117th)Smith, Jason [R-MO] (113th-117th)Smucker, Lloyd [R-PA] (115th-117th)Soto, Darren [D-FL] (115th-117th) Spanberger, Abigail Davis [D-VA] (116th-117th) Spartz, Victoria [R-IN] (117th)Speier, Jackie [D-CA] (110th-117th)Stanton, Greg [D-AZ] (116th-117th) Stauber, Pete [R-MN] (116th-117th)Steel, Michelle [R-CA] (117th)Stefanik, Elise M. [R-NY] (114th-117th) Steil, Bryan [R-WI] (116th-117th) Steube, W. Gregory [R-FL] (116th-117th)Stevens, Haley M. [D-MI] (116th-117th)Stewart, Chris [R-UT] (113th-117th)Stivers, Steve [R-OH] (112th-117th)Strickland, Marilyn [D-WA] (117th)Suozzi, Thomas R. [D-NY] (115th-117th)Swalwell, Eric [D-CA] (113th-117th)Takano, Mark [D-CA] (113th-117th)Taylor, Van [R-TX] (116th-117th) Tenney, Claudia [R-NY] (115th) (117th)Thompson, Bennie G. [D-MS] (103rd-117th)Thompson, Glenn [R-PA] (111th-117th)Thompson, Mike [D-CA] (106th-117th)Tiffany, Thomas P. [R-WI] (116th-117th)Timmons, William R. IV [R-SC] (116th-117th)Titus, Dina [D-NV] (111th) (113th-117th)Tlaib, Rashida [D-MI] (116th-117th) Tonko, Paul [D-NY] (111th-117th)Torres, Norma J. [D-CA] (114th-117th)Torres, Ritchie [D-NY] (117th)Trahan, Lori [D-MA] (116th-117th) Trone, David J. [D-MD] (116th-117th)Turner, Michael R. [R-OH] (108th-117th)Underwood, Lauren [D-IL] (116th-117th)Upton, Fred [R-MI] (100th-117th)Valadao, David G. [R-CA] (113th-115th) (117th)Van Drew, Jefferson [R-NJ] (116th-117th)Van Dуйne, Beth [R-TX] (117th)Vargas, Juan [D-CA] (113th-117th)Veasey, Marc A. [D-TX] (113th-117th)Vela, Filemon [D-TX] (113th-117th)Velazquez, Nydia M. [D-NY] (103rd-117th)Wagner, Ann [R-MO] (113th-117th)Walberg, Tim [R-MI] (110th) (112th-117th)Walorski, Jackie [R-IN] (113th-117th)Waltz, Michael [R-FL] (116th-117th)Wasserman Schultz, Debbie [D-FL] (109th-117th)Waters, Maxine [D-CA] (102nd-117th)Watson Coleman, Bonnie [D-NJ] (114th-117th)Weber, Randy K., Sr. [R-TX] (113th-117th)Webster, Daniel [R-FL] (112th-117th)Welch, Peter [D-VT] (110th-117th)Wenstrup, Brad R. [R-OH] (113th-117th)Westerman, Bruce [R-AR] (114th-117th) Wexton, Jennifer [D-VA] (116th-117th)Wild, Susan [D-PA] (115th-117th)Williams, Nikema [D-GA] (117th)Williams, Roger [R-TX] (113th-117th)Wilson, Frederica S. [D-FL] (112th-117th)Wilson, Joe [R-SC] (107th-117th)Wittman, Robert J. [R-VA] (110th-117th)Womack, Steve [R-AR] (112th-117th)Wright, Ron [R-TX] (116th-117th)Yarmuth, John A. [D-KY] (110th-117th)Young, Don [R-AK] (93rd-117th)Zeldin, Lee M. [R-NY] (114th-117th)

Any Senator Baldwin, Tammy [D-WI] (113th-117th) Barrasso, John [R-WY] (110th-117th)Bennet, Michael F. [D-CO] (111th-117th)Blackburn, Marsha [R-TN] (116th-117th)Blumenthal, Richard [D-CT] (112th-117th)Blunt, Roy [R-MO] (112th-117th)Booker, Cory A. [D-NJ] (113th-117th) Boozman, John [R-AR] (112th-117th)Braun, Mike [R-IN] (116th-117th)Brown, Sherrod [D-OH] (110th-117th)Burr, Richard [R-NC] (109th-117th)Cantwell, Maria [D-WA] (107th-117th)Capito, Shelley Moore [R-WV] (114th-117th)Cardin, Benjamin L. [D-MD] (110th-117th)Carper, Thomas R. [D-DE] (107th-117th)Casey, Robert P., Jr. [D-PA] (110th-117th)Cassidy, Bill [R-LA] (114th-117th)Collins, Susan M. [R-ME] (105th-117th)Coons, Christopher A. [D-DE] (111th-117th)Cornyn, John [R-TX] (107th-117th)Cortez Masto, Catherine [D-NV] (115th-117th)Cotton, Tom [R-AR] (114th-117th)Cramer, Kevin [R-ND]

(116th-117th)Crapo, Mike [R-ID] (106th-117th)Cruz, Ted [R-TX] (113th-117th) Daines, Steve [R-MT] (114th-117th)Duckworth, Tammy [D-IL] (115th-117th)Durbin, Richard J. [D-IL] (105th-117th)Ernst, Joni [R-IA] (114th-117th)Feinstein, Dianne [D-CA] (102nd-117th)Fischer, Deb [R-NE] (113th-117th)Gillibrand, Kirsten E. [D-NY] (111th-117th)Graham, Lindsey [R-SC] (108th-117th)Grassley, Chuck [R-IA] (97th-117th)Hagerty, Bill [R-TN] (117th)Harris, Kamala D. [D-CA] (115th-117th)Hassan, Margaret Wood [D-NH] (115th-117th)Hawley, Josh [R-MO] (116th-117th)Heinrich, Martin [D-NM] (113th-117th)Hickenlooper, John W. [D-CO] (117th)Hirono, Mazie K. [D-HI] (113th-117th)Hoeven, John [R-ND] (112th-117th)Hyde-Smith, Cindy [R-MS] (115th-117th)Inhofe, James M. [R-OK] (103rd-117th)Johnson, Ron [R-WI] (112th-117th)Kaine, Tim [D-VA] (113th-117th)Kelly, Mark [D-AZ] (116th-117th)Kennedy, John [R-LA] (115th-117th)King, Angus S., Jr. [I-ME] (113th-117th)Klobuchar, Amy [D-MN] (110th-117th)Lankford, James [R-OK] (114th-117th)Leahy, Patrick J. [D-VT] (94th-117th)Lee, Mike [R-UT] (112th-117th)Loeffler, Kelly [R-GA] (116th-117th)Lujan, Ben Ray [D-NM] (117th)Lummis, Cynthia M. [R-WY] (117th)Manchin, Joe, III [D-WV] (111th-117th)Markey, Edward J. [D-MA] (113th-117th)Marshall, Roger W. [R-KS] (117th)McConnell, Mitch [R-KY] (99th-117th)Menendez, Robert [D-NJ] (109th-117th)Merkley, Jeff [D-OR] (111th-117th)Moran, Jerry [R-KS] (112th-117th)Murkowski, Lisa [R-AK] (108th-117th)Murphy, Christopher [D-CT] (113th-117th)Murray, Patty [D-WA] (103rd-117th) Ossoff, Jon [D-GA] (117th)Padilla, Alex [D-CA] (117th)Paul, Rand [R-KY] (112th-117th)Peters, Gary C. [D-MI] (114th-117th)Portman, Rob [R-OH] (112th-117th)Reed, Jack [D-RI] (105th-117th) Risch, James E. [R-ID] (111th-117th)Romney, Mitt [R-UT] (116th-117th)Rosen, Jacky [D-NV] (116th-117th)Rounds, Mike [R-SD] (114th-117th)Rubio, Marco [R-FL] (112th-117th)Sanders, Bernard [I-VT] (110th-117th) Sasse, Ben [R-NE] (114th-117th)Schatz, Brian [D-HI] (112th-117th)Schumer, Charles E. [D-NY] (106th-117th)Scott, Rick [R-FL] (116th-117th)Scott, Tim [R-SC] (113th-117th) Shaheen, Jeanne [D-NH] (111th-117th)Shelby, Richard C. [R-AL] (100th-117th) Sinema, Kyrsten [D-AZ] (116th-117th)Smith, Tina [D-MN] (115th-117th)Stabenow, Debbie [D-MI] (107th-117th) Sullivan, Dan [R-AK] (114th-117th)Tester, Jon [D-MT] (110th-117th)Thune, John [R-SD] (109th-117th)Tillis, Thom [R-NC] (114th-117th)Toomey, Pat [R-PA] (112th-117th)Tuberville, Tommy [R-AL] (117th) Van Hollen, Chris [D-MD] (115th-117th)Warner, Mark R. [D-VA] (111th-117th)Warnock, Raphael G. [D-GA] (117th)Warren, Elizabeth [D-MA] (113th-117th)Whitehouse, Sheldon [D-RI] (110th-117th)Wicker, Roger F. [R-MS] (110th-117th)Wyden, Ron [D-OR] (104th-117th)Young, Todd [R-IN] (115th-117th)

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# H.R.5 - Equality Act 116th Congress (2019-2020)

**BILL**

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- Committees:** House - Judiciary; Education and Labor; Financial Services; Oversight and Reform; House Administration | Senate - Judiciary
- Committee Reports:** [H. Rept. 116-56](#)
- Committee Prints:** [H.Prt. 116-13](#)
- Latest Action:** Senate - 05/20/2019 Received in the Senate and Read twice and referred to the Committee on the Judiciary. ([All Actions](#))
- Roll Call Votes:** There have been [2 roll call votes](#)

## Tracker:

This bill has the status Passed House  
Here are the steps for Status of Legislation:

1. Introduced

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- [CBO Cost Estimates \[1\]](#)

## Subject — Policy Area:

- Civil Rights and Liberties, Minority Issues
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**Referred in Senate (05/20/2019)**

116TH CONGRESS  
1ST SESSION

# H. R. 5

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IN THE SENATE OF THE UNITED STATES

MAY 20, 2019

Received; read twice and referred to the Committee on the Judiciary

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# AN ACT

NOTE: The comments inserted below in the text of this Act, that are in brackets [ ] and highlighted with a yellow marker, are comments by Rev. Edward D. Seely, Th.M., Ph.D. (EDS). These comments are highlighted to make it easier for readers to distinguish my comments from the actual text. The text of H. R. 5, the Equality Act, without my comments can be accessed at this URL: <https://www.congress.gov/bill/117th-congress/house-bill/5/text> (Accessed 03/13/21)

The parts of the text that are highlighted with a yellow marker but not in brackets, are especially problematic parts of the Act. For example, in the first sentence of the act below, this proposed Act fails to distinguish between harmful and illegal types of discrimination, typically based on unwarranted, biased, and wrong attitudes and actions, such as racial prejudice, and valid types of discrimination, such as discernment between right and wrong. Grammatically and linguistically, the word discrimination is not inherently wrong; what makes it right or wrong is how it is used. See, e.g., [Merriam-Webster Dictionary](#).

To prohibit discrimination on the basis of sex, gender identity, and sexual orientation, [These latter two concepts are disputed and discredited by sound science, e.g., biology and genetics] and for other purposes.

[In addition to ignoring strong science, this act fails to address the highly important moral and other religious issues. The act also fails to cite the vast body of strong scientific findings (in both the natural and social sciences) of the physical and mental health dangers (to say nothing of the spiritual dangers) those in the LGBTQ+ subpopulation actually experience and report. For much documentation of these empirically established dangers, see the document, "[Homosexuality: An Abbreviated Fact Sheet for Speaking the Truth in Love](#)."] This act fails to distinguish between biologically-based categories and ideological categories.

The act is ensconced in deception, beginning by referring to itself as the "Equality Act," which tacitly, albeit wrongly, promotes the many aspects of LGBTQ+ as a normal and equal lifestyle, by intentionally including LGBTQ+ issues alongside race and sex matters. Though all human beings are created by God to be equal, and all bear the image of God and thus should be respected, not all people develop in the same way, and not all values and actions are equal or produce the same results; nor should all behaviors be respected.

Further, the act deceptively includes ideological categories (e.g., sexual orientation, gender identity, and transgender) within this act alongside of the biological categories. In so doing, the act ignores empirical research in biology that clearly proves, what has been commonly recognized for millennia, that sex is binary; it is not a continuum. (See the accompanying attachment for documentation.) In so doing, the act also commits the logical fallacy, called in the field of logic, the fallacy of the unwarranted use of analogy or the fallacy of false analogy, which in common parlance is referred to as trying to compare apples with oranges. These failures of this act ignore the strong empirical, and also heart-wrenching anecdotal, evidence of

many people who have been hurt by the LGBTQ+ lifestyle, many with irreversible life-long consequences, and are leaving it by the thousands. This act, if passed, will harm many more people. For evidence of this harm and further related information, see the accompanying attachment.

One further matter of harm and great concern is that the wording of this act facilitates unjust litigation, already continuous and extensive, that undermines the first amendment rights of those who want to avoid being forced to heed the demands of LGBTQ+ activists to do something, like baking a cake with a message on it that celebrates a value and action, in violation of their religious faith. For more on this matter, and for further documentation on my comments that follow, see the accompanying attachment.

The government needs to find a way to **protect** LGBTQ+ people **but not promote** their lifestyles, which [careful science shows](#) is harming them and others. To do so, it will be necessary to oppose the unbiblical, unscientific, unsound, and dangerous LGBTQ+ agenda by employing every opportunity for speaking the truth in love, especially those of us who believe in and follow Jesus Christ and have been called to so speak and act. (Ephesians 4:15)

As you read the following document and consider my comments, please be sure to also see the excellent analysis and statement by Lutheran Church Missouri Synod president, Rev. Dr. Matthew C. Harrison, at <https://blogs.lcms.org/2021/lcms-presidents-statement-on-the-equality-act>. Then, for the sake of God's kingdom, your family, this country, and many others around the world, please speak the truth in love to all with whom you have the opportunity to do so.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## **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 could be based on her sex, her sexual orientation, her pregnancy, or on the basis of multiple factors.

(3) Lesbian, gay, bisexual, transgender, and queer (referred to as “LGBTQ”) people commonly experience discrimination in securing access to public accommodations—including restaurants, senior centers, stores, places of or establishments that provide entertainment, health care facilities, shelters, government offices, youth service providers including adoption and foster care providers, and transportation. Forms of discrimination include the exclusion and denial of entry, unequal or unfair treatment, harassment, and violence. This discrimination prevents the full participation of LGBTQ people in society and disrupts the free flow of commerce.

(4) Women also have faced discrimination in many establishments such as stores and restaurants, and places or establishments that provide other goods or services, such as entertainment or transportation, including sexual harassment, differential pricing for substantially similar products and services, and denial of services because they are pregnant or breastfeeding.

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

(6) Regular and ongoing discrimination against LGBTQ people, as well as women, in accessing public accommodations contributes to negative social and economic outcomes, and in the case of public accommodations operated by State and local governments, abridges individuals’ constitutional rights. [Not when doing so interferes with some people’s safety, e.g., the safety of women and girls in their own restrooms and locker rooms, by biological males who will always carry the XY chromosome no matter how they identify, as has been documented many times. See the attachments.]

(7) The discredited practice known as “conversion therapy” is a form of discrimination that harms LGBTQ people by undermining individuals sense of self worth, increasing suicide ideation and substance abuse, exacerbating family conflict, and contributing to second class status. [This is a deceptive statement that has been disproven. Also: this section prohibits the freedom of many homosexuals who want to leave the LGBTQ+ lifestyle and who desire such counseling and therapy; it fails to disclose that many have accomplished their objectives by such counseling and therapy.]

(8) Both LGBTQ people and women face widespread discrimination in employment and various services, including by entities that receive Federal financial assistance. Such discrimination— [How about the injustices toward women by allowing transgender males to compete in women’s sports, which this disingenuous act not only allows but requires? This unfairness (documented in the following URL) is causing women to lose not only the events in which they compete against biological males but to lose scholarships that enable them to go to college and the ability to excel in their sport(s). Even many homosexuals oppose the inclusion of transgenders in women’s sports. A coalition of well-known LGBT activists in women’s sports, the “Women’s Sports Policy Working Group,” which includes the outstanding tennis record-holder Martina Navratilova, who is a self-professed lesbian, is urging the Biden administration to limit the participation of transgender males in women’s sports, rightly arguing it’s necessary to protect the

future of women's sports. Other leaders in the United States are also opposed to the inclusion of transgender males in girls' and women's sports due to the unfair advantage the biological males have as a result of their genetic origin, which does not change. The strong biological basis of this reality is explained in many accurate sources, including in this document at this URL: "[Save Women's Sports: New Research from Dr. Emma Hilton.](https://savewomenssports.com/science)"

(A) is particularly troubling and inappropriate for programs and services funded wholly or in part by the Federal Government;

(B) undermines national progress toward equal treatment regardless of sex, sexual orientation, or gender identity; and

(C) is inconsistent with the constitutional principle of equal protection under the Fourteenth Amendment to the Constitution of the United States.

(9) Federal courts have widely recognized that, in enacting the Civil Rights Act of 1964, Congress validly invoked its powers under the Fourteenth Amendment to provide a full range of remedies in response to persistent, widespread, and pervasive discrimination by both private and government actors.

(10) Discrimination by State and local governments on the basis of sexual orientation or gender identity in employment, housing, and public accommodations, and in programs and activities receiving Federal financial assistance, violates the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. In many circumstances, such discrimination also violates other constitutional rights such as those of liberty and privacy under the due process clause of the Fourteenth Amendment.

(11) Individuals who are LGBTQ, or are perceived to be LGBTQ, have been subjected to a history and pattern of persistent, widespread, and pervasive discrimination on the bases of sexual orientation and gender identity by both private sector and Federal, State, and local government actors, including in employment, housing, and public accommodations, and in programs and activities receiving Federal financial assistance. An explicit and comprehensive national solution is needed to address such discrimination, which has sometimes resulted in violence or death, including the full range of remedies available under the Civil Rights Act of 1964.

(12) Numerous provisions of Federal law expressly prohibit discrimination on the basis of sex, and Federal agencies and courts [but not the SCOTUS] have correctly interpreted these prohibitions on sex discrimination to include discrimination based on sexual orientation, gender identity, and sex stereotypes. In particular, the Equal Employment Opportunity Commission correctly interpreted title VII of the Civil Rights Act of 1964 in *Macy v. Holder*, *Baldwin v. Foxx*, and *Lusardi v. McHugh*. [Further, we cannot allow these wrongful Federal agency and court decisions to continue the naturalistic fallacy in logic.]

(13) The absence of explicit prohibitions of discrimination on the basis of sexual orientation and gender identity under Federal statutory law has created uncertainty for employers and other

entities covered by Federal nondiscrimination laws and caused unnecessary hardships for LGBTQ individuals.

(14) LGBTQ people often face discrimination when seeking to rent or purchase housing, as well as in every other aspect of obtaining and maintaining housing. LGBTQ people in same-sex relationships are often discriminated against when two names associated with one gender appear on a housing application, and transgender people often encounter discrimination when credit checks or inquiries reveal a former name.

(15) National surveys, including a study commissioned by the Department of Housing and Urban Development, show that housing discrimination against LGBTQ people is very prevalent. For instance, when same-sex couples inquire about housing that is available for rent, they are less likely to receive positive responses from landlords. A national matched-pair testing investigation found that nearly one-half of same-sex couples face adverse, differential treatment when seeking elder housing. According to other studies, transgender people have half the homeownership rate of non-transgender people and about 1 in 5 transgender people experience homelessness. [Both sides of this argument have a point. The landlord owner should not be required to rent to people with moral values that lead to immoral behavior opposed to his or her religion's understanding of what is right and wrong. Such religious freedom is granted and preserved in the first amendment of the U. S. constitution. At the same time, LGBTQ+ people are human beings who bear the image of God, and they need shelter. The LGBTQ+ people can obtain that shelter from others who don't care about moral or spiritual values or from Christians who may want to provide an opportunity for a witness for the Gospel of Jesus Christ over time and in both word and deed.)]

(16) As a result of the absence of explicit prohibitions against discrimination on the basis of sexual orientation and gender identity, credit applicants who are LGBTQ, or perceived to be LGBTQ, have unequal opportunities to establish credit. LGBTQ people can experience being denied a mortgage, credit card, student loan, or many other types of credit simply because of their sexual orientation or gender identity. [This section may be appropriate except for the inclusion of the unbiblical and unscientific terms "sexual orientation" and "gender identity."]

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

(18) The right to an impartial jury of one's peers and the reciprocal right to jury service are fundamental to the free and democratic system of justice in the United States and are based in the Bill of Rights. There is, however, an unfortunate and long-documented history in the United States of attorneys discriminating against LGBTQ individuals, or those perceived to be LGBTQ, in jury selection. Failure to bar peremptory challenges based on the actual or perceived sexual orientation or gender identity of an individual not only erodes a fundamental right, duty, and obligation of being a citizen of the United States, but also unfairly creates a second class of citizenship for LGBTQ victims, witnesses, plaintiffs, and defendants. [This barring of peremptory challenges can be done during the jury selection process during which attorneys

from both the prosecution and the defense examine and cross-examine prospective jurors; a new law is not needed for this purpose.]

(19) Numerous studies document the shortage of qualified and available homes for the 437,000 youth in the child welfare system and the negative outcomes for the many youth who live in group care as opposed to a loving home or who age out without a permanent family. Although same-sex couples are 7 times more likely to foster or adopt than their different-sex counterparts, many child placing agencies refuse to serve same-sex couples and LGBTQ individuals. This has resulted in a reduction of the pool of qualified and available homes for youth in the child welfare system who need placement on a temporary or permanent basis. Barring discrimination in foster care and adoption will increase the number of homes available to foster children waiting for foster and adoptive families. [This is an especially egregious and wrong inclusion in the act for several reasons, including: (1) it fails to protect the religious freedom of the adoption agency, (2) it fails to consider the moral and spiritual factors in how these children will be raised, (3) it fails to consider the family science research on how children need the unique contributions of both a mother and a father and the scientific findings (both statistical and anecdotal) concerning children who are now adults who were raised in homosexual households.]

(20) LGBTQ youth are overrepresented in the foster care system by at least a factor of two and report twice the rate of poor treatment while in care compared to their non-LGBTQ counterparts. LGBTQ youth in foster care have a higher average number of placements, higher likelihood of living in a group home, and higher rates of hospitalization for emotional reasons and juvenile justice involvement than their non-LGBTQ peers because of the high level of bias and discrimination that they face and the difficulty of finding affirming foster placements. [This causal conclusion is without warrant. Other, more reasonable causal hypotheses are advanced, with compelling scientific support, including the mental and emotional confusion of LGBTQ+ children.] Further, due to their physical distance from friends and family, traumatic experiences, and potentially unstable living situations, all youth involved with child welfare are at risk for being targeted by traffickers seeking to exploit children. [This serious problem can be corrected by the group home or other institution in which the children are living; this act is not required for their safety. In fact, this act will increase their danger.] Barring discrimination in child welfare services will ensure improved treatment and outcomes for LGBTQ foster children. [This is a prediction without sound supporting evidence.]

(b) PURPOSE.—It is the purpose of this Act to expand as well as clarify, confirm and create greater consistency in the protections and remedies against discrimination on the basis of all covered characteristics and to provide guidance and notice [That would facilitate much greater litigation and prosecution of actual and perceived (due to bias) injustices, which are already occurring] to individuals, organizations, corporations, and agencies regarding their obligations under the law.

### SEC. 3. PUBLIC ACCOMMODATIONS.

(a) PROHIBITION ON DISCRIMINATION OR SEGREGATION IN PUBLIC ACCOMMODATIONS.—Section 201 of the Civil Rights Act of 1964 ([42 U.S.C. 2000a](#)) is amended—

(1) in subsection (a), by inserting “sex (including sexual orientation and gender identity),” before “or national origin”; and

(2) in subsection (b)—

(A) in paragraph (3), by striking “stadium” and all that follows and inserting “stadium or other place of or establishment that provides exhibition, entertainment, recreation, exercise, amusement, public gathering, or public display;”;

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

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

“(4) any establishment that provides a good, service, or program, including a store, shopping center, online retailer or service provider, salon, bank, gas station, food bank, service or care center, shelter, travel agency, or funeral parlor, or establishment that provides health care, accounting, or legal services;

“(5) any train service, bus service, car service, taxi service, airline service, station, depot, or other place of or establishment that provides transportation service; and”.

(b) PROHIBITION ON DISCRIMINATION OR SEGREGATION UNDER LAW.—Section 202 of such Act ([42 U.S.C. 2000a-1](#)) is amended by inserting “sex (including sexual orientation and gender identity),” before “or national origin”.

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

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

“A reference in this title to an establishment—

“(1) shall be construed to include an individual whose operations affect commerce and who is a provider of a good, service, or program; and

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

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

Section 301(a) of the Civil Rights Act of 1964 ([42 U.S.C. 2000b\(a\)](#)) is amended by inserting “sex (including sexual orientation and gender identity),” [contrary to the concept of the

persons, male and female, in the minds of the framers of the Civil Rights Act of 1964] before “or national origin”.

## SEC. 5. DESEGREGATION OF PUBLIC EDUCATION.

(a) DEFINITIONS.—Section 401(b) of the Civil Rights Act of 1964 ([42 U.S.C. 2000c\(b\)](#)) is amended by inserting “(including sexual orientation and gender identity),” before “or national origin”.

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

(c) CLASSIFICATION AND ASSIGNMENT.—Section 410 of such Act ([42 U.S.C. 2000c–9](#)) is amended by inserting “(including sexual orientation and gender identity),” before “or national origin”.

## SEC. 6. FEDERAL FUNDING.

Section 601 of the Civil Rights Act of 1964 ([42 U.S.C. 2000d](#)) is amended by inserting “sex (including sexual orientation and gender identity),” before “or national origin,”.

## SEC. 7. EMPLOYMENT.

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

### “SEC. 701A. RULES OF CONSTRUCTION.

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

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

(1) in the section header, by striking “SEX,” and inserting “SEX (INCLUDING SEXUAL ORIENTATION AND GENDER IDENTITY),”; [Upper case here is in the original text of H. R. 5, Equality Act.]

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

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

(c) OTHER UNLAWFUL EMPLOYMENT PRACTICES.—Section 704(b) of the Civil Rights Act of 1964 ([42 U.S.C. 2000e-3\(b\)](#)) is amended—

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

(2) by striking “employment.” and inserting “employment, if, in a situation in which sex is a bona fide occupational qualification, individuals are recognized as qualified in accordance with their gender identity.”.

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

(e) EMPLOYMENT BY FEDERAL GOVERNMENT.—Section 717 of the Civil Rights Act of 1964 ([42 U.S.C. 2000e-16](#)) is amended—

(1) in subsection (a), by striking “sex,” and inserting “sex (including sexual orientation and gender identity),”; and

(2) in subsection (c), by striking “sex” and inserting “sex (including sexual orientation and gender identity),”.

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

(1) in section 301(b), by striking “sex,” and inserting “sex (including sexual orientation and gender identity),”; and

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

(3) by adding at the end the following:

### “SEC. 305. RULES OF CONSTRUCTION AND CLAIMS.

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

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

(1) in section 201(a)(1) ([2 U.S.C. 1311\(a\)\(1\)](#)) by inserting “(including sexual orientation and gender identity),” before “or national origin,”; and

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

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

“Sections 1101(b), 1106, and 1107 of the Civil Rights Act of 1964 shall apply to section 201 (and remedial provisions of this Act related to section 201) except that for purposes of that application, a reference in that section 1106 to ‘race, color, religion, sex (including sexual orientation and gender identity), or national origin’ shall be considered to be a reference to ‘race, color, religion, sex (including sexual orientation and gender identity), national origin, age, or disability’.”

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

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

(2) in section 2302—

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

(B) in subsection (d)(1), by inserting “(including sexual orientation and gender identity),” before “or national origin,”; and

(3) by adding at the end the following:

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

“Sections 1101(b), 1106, and 1107 of the Civil Rights Act of 1964 shall apply to this chapter (and remedial provisions of this title related to this chapter) except that for purposes of that application, a reference in that section 1106 to ‘race, color, religion, sex (including sexual orientation and gender identity), or national origin’ shall be considered to be a reference to ‘race, color, religion, sex (including sexual orientation and gender identity), national origin, age, a handicapping condition, marital status, or political affiliation’.”

#### **SEC. 8. INTERVENTION.**

Section 902 of the Civil Rights Act of 1964 ([42 U.S.C. 2000h-2](#)) is amended by inserting “(including sexual orientation and gender identity),” before “or national origin,”.

#### **SEC. 9. MISCELLANEOUS.**

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

(1) by redesignating sections 1101 through 1104 ([42 U.S.C. 2000h](#) et seq.) and sections 1105 and 1106 ([42 U.S.C. 2000h-5](#), 2000h-6) as sections 1102 through 1105 and sections 1108 and 1109, respectively;

(2) by **inserting** after the title heading the following:

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

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

“(1) **RACE; COLOR; RELIGION; SEX; SEXUAL ORIENTATION; GENDER IDENTITY; NATIONAL ORIGIN.**—The term ‘race’, ‘color’, ‘religion’, ‘sex’ (including ‘sexual orientation’ and ‘gender identity’), or ‘national origin’, used with respect to an individual, includes—

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

“(B) a perception or belief, even if inaccurate, concerning the race, color, religion, **sex (including sexual orientation and gender identity)**, or national origin, respectively, of the individual.

“(2) **GENDER IDENTITY.**—The term ‘gender identity’ means the gender-related identity, appearance, mannerisms, or other gender-related characteristics of an individual, regardless of the individual’s designated sex at birth.

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

“(4) **SEX.**—The term ‘sex’ includes—

“(A) a sex stereotype;

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

“(C) sexual orientation or gender identity; and

“(D) sex characteristics, including intersex traits.

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

“(b) RULES.—In a covered title referred to in subsection (a)—

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

“(2) (with respect to gender identity) an individual shall not be denied access to a shared facility, including a restroom, a locker room, and a dressing room, that is in accordance with the individual's gender identity.”; [This addition is a very egregious and dangerous subsection that endangers women and girls by exposing them to the aggressive and harassing actions by transgender males who are and always will carry the XY chromosome that produces the hormones which motivate male aggression. many documented occurrences of such transgender male aggression and harassment are available. For further documentation see the [Current Issues](#) page of my Website.] and

(3) by inserting after section 1105 the following:

#### “SEC. 1106. RULES OF CONSTRUCTION.

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

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

“(2) to limit the protection against an unlawful practice on the basis of sex available under any provision of Federal law other than that covered title, prohibiting a practice on the basis of sex.

“(b) CLAIMS AND REMEDIES NOT PRECLUDED.—Nothing in section 1101 or a covered title shall be construed to limit the claims or remedies available to any individual for an unlawful practice on the basis of race, color, religion, sex (including sexual orientation and gender identity), or national origin including claims brought pursuant to section 1979 or 1980 of the Revised Statutes ([42 U.S.C. 1983](#), 1985) or any other law, including a Federal law amended by the Equality Act, regulation, or policy.

“(c) NO NEGATIVE INFERENCE.—Nothing in section 1101 or a covered title shall be construed to support any inference that any Federal law prohibiting a practice on the basis of sex does not prohibit discrimination on the basis of pregnancy, childbirth, or a related medical condition, sexual orientation, gender identity, or a sex stereotype.

#### “SEC. 1107. CLAIMS.

“The Religious Freedom Restoration Act of 1993 ([42 U.S.C. 2000bb](#) et seq.) shall not provide a claim concerning, or a defense to a claim under, a covered title, or provide a basis for challenging the application or enforcement of a covered title.”.

## SEC. 10. HOUSING.

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

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

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

“(q) ‘Race’, ‘color’, ‘religion’, ‘sex’ (including ‘sexual orientation’ and ‘gender identity’), ‘handicap’, ‘familial status’, or ‘national origin’, used with respect to an individual, includes—

“(1) the race, color, religion, sex (including sexual orientation and gender identity), handicap, familial status, or national origin, respectively, of another person with whom the individual is associated or has been associated; and

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

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

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

(4) in section 806, by inserting “(including sexual orientation and gender identity),” after “sex,”;

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

(6) by adding at the end the following:

## “SEC. 821. RULES OF CONSTRUCTION.

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

## “SEC. 822. CLAIMS.

“Section 1107 of the Civil Rights Act of 1964 shall apply to this title and section 901, except that for purposes of that application, a reference in that section 1107 to a ‘covered title’ shall be considered a reference to ‘this title and section 901’.”.

(b) PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.—Section 901 of the Civil Rights Act of 1968 (42 U.S.C. 3631) is amended by inserting “(including sexual orientation (as such term is defined in section 802 of this Act) and gender identity (as such term is defined in section 802 of this Act)),” after “sex,” each place that term appears.

## SEC. 11. EQUAL CREDIT OPPORTUNITY.

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

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

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

(2) by inserting after subsection (e) the following:

“(f) The terms ‘gender identity’, ‘sex’, and ‘sexual orientation’ have the [redefined] meanings given those terms in section 1101(a) of the Civil Rights Act of 1964.

“(g) The term ‘race’, ‘color’, ‘religion’, ‘national origin’, ‘sex’ (including ‘sexual orientation’ and ‘gender identity’), ‘marital status’, or ‘age’, used with respect to an individual, includes—

“(1) the race, color, religion, national origin, sex (including sexual orientation and gender identity), marital status, or age, respectively, of another person with whom the individual is associated or has been associated; and

“(2) a perception or belief, even if inaccurate, concerning the race, color, religion, national origin, sex (including sexual orientation and gender identity), marital status, or age, respectively, of the individual.”; and

(3) by adding at the end the following:

“(j) Sections 1101(b) and 1106 of the Civil Rights Act of 1964 shall apply to this title, except that for purposes of that application—

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

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

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

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

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

## SEC. 12. JURIES.

(a) IN GENERAL.—[Chapter 121](#) of title 28, United States Code, is amended—

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

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

(3) in section 1869—

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

(B) in subsection (k), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

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

“(m) ‘race’, ‘color’, ‘religion’, ‘sex’ (including ‘sexual orientation’ and ‘gender identity’), ‘economic status’, or ‘national origin’, used with respect to an individual, includes—

“(1) the race, color, religion, sex (including sexual orientation and gender identity), economic status, or national origin, respectively, of another person with whom the individual is associated or has been associated; and

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

(4) by adding at the end the following:

## “§ 1879. Rules of construction and claims

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

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for [chapter 121](#) of title 28, United States Code, is amended by adding at the end the following:

“1879. Rules of construction and claims.”.

Passed the House of Representatives May 17, 2019.

Attest:

CHERYL L. JOHNSON,  
Clerk.

<https://www.congress.gov/bill/116th-congress/house-bill/5/text> (Accessed 3/12/21)

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