

THE EQUALITY FOR ALL ACT



Women's Declaration International USA (WDI USA) is the American chapter of an international organization dedicated to protecting women's sex-based rights. Our founding document, the Declaration on Women's Sex-Based Rights, reaffirms women and girls' sex-based rights as enumerated in the 1979 *Convention on the Elimination of all Forms of Discrimination Against Women* (CEDAW) and subsequent international agreements, and challenges the discrimination we experience from the replacement of the category of sex with that of 'gender identity'. The Declaration is a clear call to law and policy makers to retain the sex-based biological definition of woman. WDI is a nonpartisan, not-for-profit corporation.

To learn more about our organization, visit our website: womensdeclarationusa.com.

We can also be contacted at usa@womensdeclaration.org.

AN ACT

To prohibit discrimination on the basis of sex, sexual orientation, and nonconformity to sex-based stereotypes, and for other purposes.

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 for All Act”.

SEC. 2. FINDINGS AND PURPOSE.

(a) Findings.—Congress finds the following:

(1) Discrimination can occur on the basis of sex, sexual orientation, or nonconformity to sex-based stereotypes; or on the basis of pregnancy, childbirth, or a related medical condition of a female person. Each of these factors alone, or in conjunction, 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) Lesbians, gay men, bisexuals, and those who don’t conform to sex-based stereotypes 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 these 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 lesbians, gay men, bisexuals, and those who don't conform to sex-based stereotypes, 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.

(7) The discredited practice known as "conversion therapy" is a form of discrimination that harms lesbians, gay men, bisexuals, and those who don't conform to sex-based stereotypes by undermining individuals' sense of self worth, increasing suicide ideation and substance abuse, exacerbating family conflict, and contributing to second class status.

(8) Lesbians, gay men, bisexuals, and those who don't conform to sex-based stereotypes, as well as women, face widespread discrimination in employment and various services, including by entities that receive Federal financial assistance. Such discrimination—

(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 nonconformity to sex-based stereotypes; 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 nonconformity to sex-based stereotypes 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) Lesbians, gay men, bisexuals, and those who don't conform to sex-based stereotypes, or are perceived as such, have been subjected to a history and pattern of persistent, widespread, and pervasive discrimination 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 have correctly interpreted these prohibitions on sex discrimination to include discrimination based on sexual orientation and nonconformity to sex-based stereotypes (*Baldwin v. Foxx*; *Price Waterhouse v. Hopkins*).

(13) The absence of explicit prohibitions of discrimination on the basis of sexual orientation and nonconformity to sex-based stereotypes under Federal statutory law has created uncertainty for employers and other entities covered by Federal nondiscrimination laws and caused unnecessary hardships for such individuals.

(14) Lesbians, gay men, bisexuals, and those who don't conform to sex-based stereotypes often face discrimination when seeking to rent or purchase housing, as well as in every other aspect of obtaining and maintaining housing. Lesbians, gay men, bisexuals, and those who don't conform to sex-based stereotypes in same-sex relationships are often discriminated against when two names associated with one sex appear on a housing application.

(15) National surveys, including a study commissioned by the Department of Housing and Urban Development, show that housing discrimination against lesbians, gay men, bisexuals, and those who don't conform to sex-based stereotypes 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.

(16) As a result of the absence of explicit prohibitions against discrimination on the basis of sexual orientation and nonconformity to sex-based stereotypes, credit applicants who are lesbians, gay men, bisexuals, and those who don't conform to sex-based stereotypes, or are perceived as such, have unequal opportunities to establish credit. They can experience being denied a mortgage, credit card, student loan, or many other types of credit simply because of their sexual orientation or nonconformity to sex-based stereotypes.

(17) Numerous studies demonstrate that lesbians, gay men, bisexuals, and those who don't conform to sex-based stereotypes, as well as 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 lesbians, gay men, bisexuals, and those who don't conform to sex-based

stereotypes, or those perceived as such, in jury selection. Failure to bar peremptory challenges based on the actual or perceived sexual orientation or nonconformity to sex-based stereotypes 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 these victims, witnesses, plaintiffs, and defendants.

(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 those individuals who don't conform to sex-based stereotypes. 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.

(20) Lesbian, gay male, and bisexual youth and those who don't conform to sex-based stereotypes 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 heterosexual and sex-based stereotype conforming peers. Lesbian, gay male, and bisexual youth and those who don't conform to sex-based stereotypes 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 heterosexual and sex-based stereotype conforming peers because of the high level of bias and discrimination that they face and the difficulty of finding affirming foster placements. 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. Barring discrimination in child welfare services will ensure improved treatment and outcomes for these foster children.

(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 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, sexual orientation, nonconformity to sex-based stereotypes,” 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, sexual orientation, nonconformity to sex-based stereotypes,” 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.”.

Nothing herein should be construed to prohibit sex segregation in places of public accommodation.

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, sexual orientation, nonconformity to sex-based stereotypes,” before “or national origin”.

Nothing herein should be construed to prohibit sex segregation in public facilities.

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 striking “sex,” and inserting “sex, sexual orientation, nonconformity to sex-based stereotypes,” 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 striking “sex” and inserting “sex, sexual orientation, nonconformity to sex-based stereotypes,” before “or national origin”.

(c) CLASSIFICATION AND ASSIGNMENT.—Section 410 of such Act ([42 U.S.C. 2000c–9](#)) is amended by striking “sex” and inserting “sex, sexual orientation, nonconformity to sex-based stereotypes,” before “or national origin”.

Nothing herein should be construed to prohibit sex segregation in public education, including school sports and associated facilities.

SEC. 6. FEDERAL FUNDING.

Section 601 of the Civil Rights Act of 1964 ([42 U.S.C. 2000d](#)) is amended by inserting “sex, sexual orientation, nonconformity to sex-based stereotypes,” 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, sexual orientation, nonconformity to sex-based stereotypes,”;

(2) except in subsection (e), by striking “sex,” each place it appears and inserting “sex, sexual orientation, nonconformity to sex-based stereotypes,”;

(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 biological maleness or femaleness,”; and

(4) in subsection (h), by striking “sex” the second place it appears and inserting “sex, sexual orientation, nonconformity to sex-based stereotypes,”.

(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, sexual orientation, nonconformity to sex-based stereotypes,”; 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 biological maleness or femaleness.”.

(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, sexual orientation, nonconformity to sex-based stereotypes,”.

(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, sexual orientation, nonconformity to sex-based stereotypes,”; and

(2) in subsection (c), by striking “sex” and inserting “sex, sexual orientation, nonconformity to sex-based stereotypes,”.

(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, sexual orientation, nonconformity to sex-based stereotypes,”;

(2) in section 302(a)(1), by striking “sex,” and inserting “sex, sexual orientation, nonconformity to sex-based stereotypes”; 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, sexual orientation, nonconformity to sex-based stereotypes, or national origin’ shall be considered to be a reference to ‘race, color, religion, sex, sexual orientation, nonconformity to sex-based stereotypes, 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 “sexual orientation, nonconformity to sex-based stereotypes,” 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, sexual orientation, nonconformity to sex-based stereotypes, or national origin’ shall be considered to be a reference to ‘race, color, religion, sex, sexual orientation, nonconformity to sex-based stereotypes, 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, sexual orientation, nonconformity to sex-based stereotypes,”;

(2) in section 2302—

(A) in subsection (b)(1)(A), by inserting “sex, sexual orientation, nonconformity to sex-based stereotypes,” before “or national origin,”; and

(B) in subsection (d)(1), by inserting “sex, sexual orientation, nonconformity to sex-based stereotypes,” 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, sexual orientation, nonconformity to sex-based stereotypes, or national origin’ shall be considered to be a reference to ‘race, color, religion, sex, sexual orientation, nonconformity to sex-based stereotypes, national origin, age, or disability’.”.

SEC. 8. INTERVENTION.

Section 902 of the Civil Rights Act of 1964 ([42 U.S.C. 2000h-2](#)) is amended by striking “sex,” and inserting “sex, sexual orientation, nonconformity to sex-based stereotypes,” 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 section 1106 and 1107 as a ‘covered title’):

“(1) RACE; COLOR; RELIGION; SEX; SEXUAL ORIENTATION; NONCONFORMITY TO SEX-BASED STEREOTYPES; NATIONAL ORIGIN.—The term ‘race’, ‘color’, ‘religion’, ‘sex’, ‘sexual orientation’, ‘nonconformity to sex-based stereotypes’, or ‘national origin’, used with respect to an individual, includes—

“(A) the race, color, religion, sex, sexual orientation, nonconformity to sex-based stereotypes, 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, sexual orientation, nonconformity to sex-based stereotypes, or national origin, respectively, of the individual.

“(2) NONCONFORMITY TO SEX-BASED STEREOTYPES – The term ‘nonconformity to sex-based stereotypes’ means nonconformity, in whole or in part, with the sex-role stereotypes traditionally assigned and enforced on the basis of sex.

“(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) the biological differences between males and females. The presence of a Y chromosome always signifies the male sex. Sex has the common meaning of either of the two main categories (male and female) into which humans and most other living things are divided

on the basis of their reproductive functions;

“(B) pregnancy, childbirth, or another medical condition of a female person;

“(C) sexual orientation or nonconformity to sex-based stereotypes;

“(D) sex characteristics, including Disorders of Sexual Development (DSD), commonly referred to as intersex conditions, which occur in about 0.018 % of humans. Every incidence is a disorder of sexual development of either a male or a female.

“(5) SEXUAL ORIENTATION – The term ‘sexual orientation’ means sexual attraction based on sex, and includes heterosexuality, homosexuality, and bisexuality.

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

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

“(2) (with respect to nonconformity to sex-based stereotypes) an individual shall not be given access to a shared facility, including a restroom, a locker room, and a dressing room, that is not in accordance with the individual's sex.”; 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 of a female person 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, sexual orientation, nonconformity to sex-based stereotypes, 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 of a female person, sexual orientation, or nonconformity to sex-based stereotypes.

“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) ‘Sex’, ‘sexual orientation’, and ‘nonconformity to sex-based stereotypes’ have the meaning given those terms in section 1101(a) of the Civil Rights Act of 1964.

“(q) ‘Race’, ‘color’, ‘religion’, ‘sex’, ‘sexual orientation’, nonconformity to sex-based stereotypes’, ‘handicap’, ‘familial status’, or ‘national origin’, used with respect to an individual, includes—

“(1) the race, color, religion, sex, sexual orientation, nonconformity to sex-based stereotypes, 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, sexual orientation, nonconformity to sex-based stereotypes, handicap, familial status, or national origin, respectively, of the individual.”;

(2) in section 804, by inserting “sexual orientation, nonconformity to sex-based stereotypes,” after “sex,” each place that term appears;

(3) in section 805, by inserting “sexual orientation, nonconformity to sex-based stereotypes,” after “sex,” each place that term appears;

(4) in section 806, by inserting “sexual orientation, nonconformity to sex-based stereotypes,” after “sex,”;

(5) in section 808(e)(6), by inserting “sexual orientation, nonconformity to sex-based stereotypes,” 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 “sexual orientation (as such term is defined in section 802 of this Act) and nonconformity to sex-based stereotypes (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 “sexual orientation, nonconformity to sex-based stereotypes,” 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 ‘sex’, ‘sexual orientation’, and ‘nonconformity to sex-based stereotypes’ have the meanings given those terms in section 1101(a) of the Civil Rights Act of 1964.

“(g) The term ‘race’, ‘color’, ‘religion’, ‘national origin’, ‘sex’, ‘sexual orientation’, ‘nonconformity to sex-based stereotypes’, ‘marital status’, or ‘age’, used with respect to an individual, includes—

“(1) the race, color, religion, national origin, sex, sexual orientation, nonconformity to sex-based stereotypes, 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, sexual orientation, nonconformity to sex-based stereotypes, 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 “sexual orientation, nonconformity to sex-based stereotypes,” 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:

“(l) 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 “sexual orientation, nonconformity to sex-based stereotypes,” after “sex,”;

(2) in section 1867(e), in the second sentence, by inserting “sexual orientation, nonconformity to sex-based stereotypes,” 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:

“(l) ‘Sex’, ‘sexual orientation’, and ‘nonconformity to sex-based stereotypes’ have the meanings given such terms under section 1101(a) of the Civil Rights Act of 1964; and

“(m) ‘race’, ‘color’, ‘religion’, ‘sex’, ‘sexual orientation’, ‘nonconformity to sex-based stereotypes’, ‘economic status’, or ‘national origin’, used with respect to an individual, includes—

“(1) the race, color, religion, sex, sexual orientation, nonconformity to sex-based stereotypes, 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, sexual orientation, nonconformity to sex-based stereotypes, 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.”.
