



## **SUPPORT H.R. 5, THE “EQUALITY ACT”**

Support H.R. 5, the “Equality Act,” long-overdue legislation that would explicitly prohibit discrimination on the basis of sexual orientation and gender identity in a wide range of areas, including employment, housing, public spaces and services, federally-funded programs, education, credit opportunities, and jury service. Specifically, H.R. 5 amends the Civil Rights Act of 1964; the Fair Housing Act; the Equal Credit Opportunity Act; and the nondiscrimination provisions of the statute governing jury selection by either adding sex—including sexual orientation and gender identity—as a protected characteristic or, where sex is already included as a protected characteristic, by explicitly clarifying that unlawful sex discrimination includes discrimination on the basis of sexual orientation and gender identity. The bill also expands the list of businesses and services that would be subject to the 1964 Act’s public accommodations provisions.

Despite polling showing that society has become increasingly more accepting of LGBTQ people in recent years, these individuals continue to face numerous forms of discrimination because of their sexual orientation or gender identity in many areas. For example, according to a 2013 Pew Research Center poll, 23% of respondents reported receiving poor service in a restaurant, hotel, or other place of business open to the public because of their gender identity or sexual orientation, and a 2017 National Public Radio survey found that 20% of respondents reported being discriminated against because of their gender identity or sexual orientation when applying for jobs and 22% reported discrimination in terms of unequal pay or when being considered for promotion.

In June 2020, the Supreme Court ruled in *Bostock v. Clayton County* that the prohibition on sex discrimination in Title VII of the Civil Rights Act includes sexual orientation and gender identity discrimination. However, the Equality Act is still necessary: our nation’s civil rights laws do not prohibit sex discrimination in public spaces and services and federally-funded programs—two key areas where LGBTQ people continue to face discrimination—and a future Supreme Court could either overturn or gut part of this 2020 ruling. It’s critical that Congress pass the Equality Act in order to codify *Bostock v. Clayton County* and to add sex nondiscrimination protections, including sexual orientation and gender identity protections, in public spaces and services and federally-funded programs.

H.R. 5 previously passed the House of Representatives in the 116<sup>th</sup> Congress on May 17, 2019, with 8 Republicans joining all 228 voting Democrats to pass the bill. LGBTQ nondiscrimination protections have the support of the majority of Americans, and H.R. 5 is supported by more than 600 civil rights, public interest, business, labor, and professional organizations, including the Human Rights Campaign, the National Women’s Law Center, the NAACP, the National Urban League, the American Civil Liberties Union, the Sports and Fitness Industry Association, the National Alliance to End Sexual Violence, Lambda Legal, the American Medical Association, the National Association of Secondary School Principals, the AFL-CIO, AFSCME, the Business Roundtable, the National Association of Manufacturers, and the U.S. Chamber of Commerce.

*Prepared by House Judiciary Committee Staff*