

**SUBSTITUTE AMENDMENT TO THE AMENDMENT IN
THE NATURE OF A SUBSTITUTE TO H.R. 3459
OFFERED BY MR. POLIS**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

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

3 SEC. 2. FINDINGS.

4 Congress finds the following:

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

12 (2) A single instance of discrimination may
13 have more than 1 basis. For example, discrimination
14 against a married same-sex couple could be based on
15 the sex stereotype that marriage should only be be-
16 tween heterosexual couples, the sexual orientation of
17 the 2 individuals in the couple, or both. Discrimina-
18 tion against a pregnant lesbian could be based on

1 her sex, her sexual orientation, her pregnancy, or on
2 the basis of multiple factors.

3 (3) Lesbian, gay, bisexual, and transgender (re-
4 ferred to as “LGBT”) people commonly experience
5 discrimination in securing access to public accom-
6 modations—including restaurants, stores, places of
7 or establishments that provide entertainment, and
8 transportation. Forms of discrimination include the
9 exclusion and denial of entry, unequal or unfair
10 treatment, harassment, and violence. This discrimi-
11 nation prevents the full participation of LGBT peo-
12 ple in society and disrupts the free flow of com-
13 merce.

14 (4) Women also face discrimination, in estab-
15 lishments such as stores and restaurants, and places
16 or establishments that provide other goods or serv-
17 ices, such as entertainment or transportation, in-
18 cluding sexual harassment, differential pricing, and
19 denial of services because they are pregnant or
20 breastfeeding.

21 (5) Regular and ongoing discrimination against
22 LGBT people, as well as women, in accessing public
23 accommodations contributes to negative social and
24 economic outcomes.

1 (6) Both LGBT people and women face wide-
2 spread discrimination in employment and various
3 services, including by entities that receive Federal fi-
4 nancial assistance. Such discrimination—

5 (A) is particularly troubling and inappro-
6 priate for programs and services funded wholly
7 or in part by the Federal Government;

8 (B) undermines national progress toward
9 equal treatment regardless of sex, sexual ori-
10 entation, or gender identity; and

11 (C) is inconsistent with the constitutional
12 principle of equal protection under the Four-
13 teenth Amendment of the Constitution of the
14 United States.

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

21 (8) Numerous provisions of Federal law ex-
22 pressly prohibit discrimination on the basis of sex,
23 and Federal agencies and courts have correctly in-
24 terpreted these prohibitions on sex discrimination to
25 include discrimination based on sexual orientation,

1 gender identity, and sex stereotypes. In particular,
2 the Equal Employment Opportunity Commission has
3 explicitly interpreted sex discrimination to include
4 sexual orientation and gender identity.

5 (9) The absence of explicit prohibitions of dis-
6 crimination on the basis of sexual orientation and
7 gender identity under Federal statutory law, as well
8 as some conflicting case law on how broadly sex dis-
9 crimination provisions apply, has created uncertainty
10 for employers and other entities covered by these
11 laws. This lack of clear coverage also causes unne-
12 cessary hardships for LGBT people.

13 (10) LGBT people often face discrimination
14 when seeking to rent or purchase housing, as well as
15 in every other aspect of obtaining and maintaining
16 housing. LGBT people in same-sex relationships are
17 often discriminated against when 2 names associated
18 with 1 gender appear on a housing application, and
19 transgender people often encounter discrimination
20 when credit checks or inquiries reveal a former
21 name.

22 (11) National surveys, including a study com-
23 missioned by the Department of Housing and Urban
24 Development, show that housing discrimination
25 against LGBT people is very prevalent. For in-

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

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

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

21 (14) The right to an impartial jury of one's
22 peers and the reciprocal right to jury service are
23 fundamental to the free and democratic system of
24 justice in the United States and are based in the
25 Bill of Rights. There is, however, an unfortunate

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

11 **SEC. 3. PUBLIC ACCOMMODATIONS.**

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

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

18 (2) in subsection (b)—

19 (A) in paragraph (3), by striking “sta-
20 dium” and all that follows and inserting “sta-
21 dium or other place of or establishment that
22 provides exhibition, entertainment, recreation,
23 exercise, amusement, gathering, or display;”;

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

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

3 “(4) any establishment that provides a good,
4 service, or program, including a store, shopping cen-
5 ter, online retailer or service provider, salon, bank,
6 gas station, food bank, service or care center, shel-
7 ter, travel agency, or funeral parlor, or establish-
8 ment that provides health care, accounting, or legal
9 services;

10 “(5) any train service, bus service, car service,
11 taxi service, airline service, station, depot, or other
12 place of or establishment that provides transpor-
13 tation service; and”.

14 (b) PROHIBITION ON DISCRIMINATION OR SEGREGA-
15 TION UNDER LAW.—Section 202 of such Act (42 U.S.C.
16 2000a–1) is amended by inserting “sex, sexual orienta-
17 tion, gender identity,” before “or national origin”.

18 (c) RULE OF CONSTRUCTION.—Title II of such Act
19 (42 U.S.C. 2000a et seq.) is amended by adding at the
20 end the following:

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

22 “A reference in this title to an establishment—

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

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

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

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

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

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

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

16 (c) CLASSIFICATION AND ASSIGNMENT.—Section 410
17 of such Act (42 U.S.C. 2000c–9) is amended by inserting
18 “, sexual orientation, gender identity,” before “or national
19 origin”.

20 **SEC. 6. FEDERAL FUNDING.**

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

1 **SEC. 7. EMPLOYMENT.**

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

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

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

10 (b) UNLAWFUL EMPLOYMENT PRACTICES.—Section
11 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–
12 2) is amended—

13 (1) in the section header, by striking “SEX,”
14 and inserting “SEX, SEXUAL ORIENTATION, GENDER
15 IDENTITY,”;

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

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

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

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

4 (1) by striking “sex,” the first place it appears
5 and inserting “sex, sexual orientation, gender iden-
6 tity,”; and

7 (2) by striking “employment.” and inserting
8 “employment, if, in a situation in which sex is a
9 bona fide occupational qualification, individuals are
10 recognized as qualified in accordance with their gen-
11 der identity.”.

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

16 (e) EMPLOYMENT BY FEDERAL GOVERNMENT.—Sec-
17 tion 717 of the Civil Rights Act of 1964 (42 U.S.C.
18 2000e-16) is amended—

19 (1) in subsection (a), by striking “sex,” and in-
20 serting “sex, sexual orientation, gender identity,”;
21 and

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

1 (f) GOVERNMENT EMPLOYEE RIGHTS ACT OF
2 1991.—The Government Employee Rights Act of 1991
3 (42 U.S.C. 2000e–16a et seq.) is amended—

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

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

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

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

11 “Sections 1101(b), 1106, and 1107 of the Civil
12 Rights Act of 1964 shall apply to this title except that
13 for purposes of that application, a reference in that section
14 1106 to ‘race, color, religion, sex, sexual orientation, gen-
15 der identity, or national origin’ shall be considered to be
16 a reference to ‘race, color, religion, sex, sexual orientation,
17 gender identity, national origin, age, or disability’.”

18 (g) CONGRESSIONAL ACCOUNTABILITY ACT OF
19 1995.—The Congressional Accountability Act of 1995 (2
20 U.S.C. 1301 et seq.) is amended—

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

24 (2) by adding at the end of title II (42 U.S.C.
25 1311 et seq.) the following:

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

2 “Sections 1101(b), 1106, and 1107 of the Civil
3 Rights Act of 1964 shall apply to section 201 (and reme-
4 dial provisions of this Act related to section 201) except
5 that for purposes of that application, a reference in that
6 section 1106 to ‘race, color, religion, sex, sexual orienta-
7 tion, gender identity, or national origin’ shall be consid-
8 ered to be a reference to ‘race, color, religion, sex, sexual
9 orientation, gender identity, national origin, age, or dis-
10 ability’.”.

11 (h) CIVIL SERVICE REFORM ACT OF 1978.—Chapter
12 23 of title 5, United States Code, is amended—

13 (1) in section 2301(b)(2), by striking “sex,”
14 and inserting “sex, sexual orientation, gender iden-
15 tity,”;

16 (2) in section 2302—

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

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

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

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

25 “Sections 1101(b), 1106, and 1107 of the Civil
26 Rights Act of 1964 shall apply to this chapter (and reme-

1 dial provisions of this title related to this chapter) except
2 that for purposes of that application, a reference in that
3 section 1106 to ‘race, color, religion, sex, sexual orienta-
4 tion, gender identity, or national origin’ shall be consid-
5 ered to be a reference to ‘race, color, religion, sex, sexual
6 orientation, gender identity, national origin, age, a handi-
7 capping condition, marital status, or political affiliation’.”.

8 **SEC. 8. INTERVENTION.**

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

12 **SEC. 9. MISCELLANEOUS.**

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

14 (1) by redesignating sections 1101 through
15 1104 (42 U.S.C. 2000h et seq.) and sections 1105
16 and 1106 (42 U.S.C. 2000h–5, 2000h–6) as sections
17 1102 through 1105 and sections 1108 and 1109, re-
18 spectively;

19 (2) by inserting after the title heading the fol-
20 lowing:

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

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

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

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

11 “(B) a perception or belief, even if inac-
12 curate, concerning the race, color, religion, sex,
13 sexual orientation, gender identity, or national
14 origin, respectively, of the individual.

15 “(2) GENDER IDENTITY.—The term ‘gender
16 identity’ means the gender-related identity, appear-
17 ance, mannerisms, or other gender-related character-
18 istics of an individual, regardless of the individual’s
19 designated sex at birth.

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

23 “(4) SEX.—The term ‘sex’ includes—
24 “(A) a sex stereotype;

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

3 “(C) sexual orientation or gender identity.

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

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

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

13 “(2) (with respect to gender identity) an indi-
14 vidual shall not be denied access to a shared facility,
15 including a restroom, a locker room, and a dressing
16 room, that is in accordance with the individual’s
17 gender identity.”; and

18 (3) by inserting after section 1105 the fol-
19 lowing:

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

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

24 “(1) to limit the protection against an unlawful
25 practice on the basis of pregnancy, childbirth, or a

1 related medical condition provided by section 701(k);
2 or

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

7 “(b) CLAIMS AND REMEDIES NOT PRECLUDED.—
8 Nothing in section 1101 or a covered title shall be con-
9 strued to limit the claims or remedies available to any indi-
10 vidual for an unlawful practice on the basis of race, color,
11 religion, sex, sexual orientation, gender identity, or na-
12 tional origin including claims brought pursuant to section
13 1979 or 1980 of the Revised Statutes (42 U.S.C. 1983,
14 1985) or any other law, including a Federal law amended
15 by the Equality Act, regulation, or policy.

16 “(c) NO NEGATIVE INFERENCE.—Nothing in section
17 1101 or a covered title shall be construed to support any
18 inference that any Federal law prohibiting a practice on
19 the basis of sex does not prohibit discrimination on the
20 basis of pregnancy, childbirth, or a related medical condi-
21 tion, sexual orientation, gender identity, or a sex stereo-
22 type.

23 **“SEC. 1107. CLAIMS.**

24 “The Religious Freedom Restoration Act of 1993 (42
25 U.S.C. 2000bb et seq.) shall not provide a claim con-

1 cerning, or a defense to a claim under, a covered title,
2 or provide a basis for challenging the application or en-
3 forcement of a covered title.”.

4 **SEC. 10. HOUSING.**

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

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

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

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

16 “(1) the race, color, religion, sex, sexual ori-
17 entation, gender identity, handicap, familial status,
18 or national origin, respectively, of another person
19 with whom the individual is associated or has been
20 associated; and

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

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

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

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

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

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

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

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

18 **“SEC. 822. CLAIMS.**

19 “Section 1107 of the Civil Rights Act of 1964 shall
20 apply to this title and section 901, except that for pur-
21 poses of that application, a reference in that section 1107
22 to a ‘covered title’ shall be considered a reference to ‘this
23 title and section 901’.”.

24 (b) PREVENTION OF INTIMIDATION IN FAIR HOUS-
25 ING CASES.—Section 901 of the Civil Rights Act of 1968

1 (42 U.S.C. 3631) is amended by inserting “sexual orienta-
2 tion (as such term is defined in section 802 of this Act),
3 gender identity (as such term is defined in section 802
4 of this Act),” after “sex,” each place that term appears.

5 **SEC. 11. EQUAL CREDIT OPPORTUNITY.**

6 (a) PROHIBITED DISCRIMINATION.—Section
7 701(a)(1) of the Equal Credit Opportunity Act (15 U.S.C.
8 1691(a)(1)) is amended by inserting “sexual orientation,
9 gender identity,” after “status,”.

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

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

14 (2) by inserting after subsection (e) the fol-
15 lowing:

16 “(f) The terms ‘gender identity’, ‘sex’, and ‘sexual
17 orientation’ have the meanings given those terms in sec-
18 tion 1101(a) of the Civil Rights Act of 1964 (42 U.S.C.
19 2000e).

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

24 “(1) the race, color, religion, national origin,
25 sex, sexual orientation, gender identity, marital sta-

1 tus, or age, respectively, of another person with
2 whom the individual is associated or has been associ-
3 ated; and

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

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

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

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

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

18 (c) **RELATION TO STATE LAWS.**—Section 705(a) of
19 the Equal Credit Opportunity Act (15 U.S.C. 1691d(a))
20 is amended by inserting “, sexual orientation, gender iden-
21 tity,” after “sex”.

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

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

5 **SEC. 12. JURIES.**

6 (a) IN GENERAL.—Chapter 121 of title 28, United
7 States Code, is amended—

8 (1) in section 1862, by inserting “sexual ori-
9 entation, gender identity,” after “sex,”;

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

13 (3) in section 1869—

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

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

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

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

22 “(m) ‘race’, ‘color’, ‘religion’, ‘sex’, ‘sexual orienta-
23 tion’, ‘gender identity’, ‘economic status’, or ‘national ori-
24 gin’, used with respect to an individual, includes—

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

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

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

11 **“§ 1879. Rules of construction and claims**

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

17 (b) TECHNICAL AND CONFORMING AMENDMENT.—
18 The table of sections for chapter 121 of title 28, United
19 States Code, is amended by adding at the end the fol-
20 lowing:

“1879. Rules of construction and claims.”.

