



The Equality Act - Reintroduced by Congressman Mark Takano (D-CA)

Background on Anti-LGBTQI+ Discrimination

Many LGBTQI+ people face discrimination in key areas of life, such as employment, public accommodations, and more. For example, a May 2021 study by the Williams Institute [found that](#) more than one in four LGBT employees reported experiencing at least one form of employment discrimination because of their sexual orientation or gender identity at some point in their lives, with nearly half of transgender employees reporting having experienced discrimination. A 2022 survey by the Center for American Progress [found that](#) more than 1 in 3 LGBTQI+ adults faced discrimination in the previous year, including more than half of transgender and nonbinary adults.

In 2020, the Supreme Court held in *Bostock v. Clayton County* that Title VII's prohibition on employment discrimination on the basis of sex includes discrimination on the basis of sexual orientation and gender identity. Numerous federal agencies have taken regulatory action, based on *Bostock's* reasoning, to clarify that the civil rights laws that they enforce that prohibit sex discrimination also prohibit sexual orientation and gender identity discrimination, as well as discrimination on the basis of sex characteristics (including intersex traits).

There is currently no federal law, however, that explicitly prohibits LGBTQI+ discrimination in all key areas of life, and a majority of states do not explicitly protect LGBTQI+ people from discrimination. Although several courts have applied *Bostock's* reasoning to other laws, the Eleventh Circuit has rejected the argument that the Supreme Court's reasoning in *Bostock* should apply to federal law that prohibits sex discrimination in education. In addition, without explicit legal protections, a future Supreme Court could overturn *Bostock* or limit its application to other civil rights laws, and a future anti-equality presidential administration could also attempt to undermine protections for LGBTQI+ people under other civil rights laws.

The Equality Act

The Equality Act would explicitly prohibit discrimination on the basis of sexual orientation, gender identity, and sex characteristics in key areas of life, including employment,

housing, public accommodations, federally funded programs, education, jury selection, and credit. Specifically, the Equality Act amends existing civil rights laws by either adding “sex (including sexual orientation and gender identity)” as protected characteristics 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 Equality Act therefore strengthens protections not just for LGBTQI+ people but also women, as it ensures nondiscrimination protections on the basis of sex in federally funded programs and public accommodations—two areas of law where sex discrimination is currently not prohibited.

The bill further explicitly clarifies that sex discrimination also includes discrimination on the basis of sex stereotypes; pregnancy, childbirth, or a related medical condition; and sex characteristics, including intersex traits. The bill also expands the list of businesses and services that would be subject to the Civil Rights Act of 1964’s public accommodations provisions, thus strengthening protections for all communities covered by the law, including people of color. Lastly, the bill ensures the Religious Freedom Restoration Act cannot be used to challenge the application or enforcement of the civil rights laws being amended by the Equality Act.

The Equality Act is [supported by](#) more than 600 organizations and more than 500 businesses. Polls [consistently show](#) majority support for federal nondiscrimination protections for the LGBTQI+ community.

The Equality Act was first introduced in 2015 by Rep. David N. Cicilline and was reintroduced in the 118th Congress by Rep. Mark Takano. In the 116th and 117th Congress, it passed the House with bipartisan support and with every voting Democrat voting for it.

Congress must pass the Equality Act because LGBTQI+ people deserve the same explicit protections from discrimination as all other marginalized groups.