



# ISSUE BRIEF

## The Inequalities of the “Equality Act”

### What is the Equality Act?

The *Equality Act* (H.R. 3185/S. 1858, “the Act”), better titled the “Inequality Act” is a bill that was introduced in the House of Representatives, by Rep. David Cicilline (D-RI), and in the Senate, by Sen. Jeff Merkley (D-OR), on July 23, 2015. The Inequality Act’s purpose is to give special privileges to people based on homosexual behavior or based on gender identity dysphoria by adding “sexual orientation” and “gender identity” into a number of federal laws. These changes affect “any” provider of goods, services, and programs. This is sweeping legislation.

### What current federal laws are impacted by the Act?

The Act makes 59 substantive changes to a number of current laws including The [Civil Rights Act of 1964](#), the [Government Employee Rights Act of 1991](#), the [Congressional Accountability Act of 1995](#), the [Civil Service Reform Act of 1978](#), the [Fair Housing Act](#), the [Civil Rights Act of 1968](#), the [Equal Credit Opportunity Act](#), and even [28 U.S. Code Chapter 121 \(Juries; Trial by Jury\)](#). These laws address public accommodations, public facilities, public education, employment, federal grants and loans, housing, transactions involving credit, and even how juries are selected.

Not only does the bill insert “sexual orientation” and “gender identity” into each of these laws but it also redefines “public accommodation.” While places of public accommodation were previously defined narrowly to include restaurants, hotels, theaters, and other establishments where racial minorities were regularly rejected during segregation, the Inequality Act would expand the definition to include “any establishment that provides a good, service, or program.” This broad definition specifically refers to “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,” but will likely also apply to organizations ranging from religious, private schools to non-profit welfare agencies. Thus, if the Inequality Act passes, attorneys will likely be required to represent homosexuals in dissolving their same-sex “marriages,” Christian schools will likely be required to offer transgendered students the bathroom of their choice, and Christian homeless shelters will likely be required to accommodate same-sex couples.

### Does the Act contain protections for people who object based on religion?

No. The Inequality Act does not provide any protections based on religion; in fact, the Inequality Act expressly undermines religious protections currently in the U.S. Code by stripping individuals of a Religious Freedom and Restoration Act (“RFRA”) claim or defense under most of the provisions amended by the Inequality Act. Thus, the Act would force people to affirm homosexuality, same-sex marriage, and transgenderism, despite their religious objections in various situations, including the provision of public accommodations. This is the antithesis of religious freedom. That said, the Civil Rights Act does contain some protections for religion, including protecting employees from discrimination based on religion through Title VII.

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