



**House Committee on the Judiciary  
Hearing on H.R. 5, The Equality Act**

**April 2, 2019**

Statement Submitted by  
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Dear Chairman Nadler and Ranking Member Collins:

The National Partnership for Women & Families is a nonprofit, nonpartisan organization that has fought for decades to advance the rights and well-being of America's women and families. We work to foster a society in which workplaces are fair, equitable and family friendly; where everyone has access to quality, affordable health care, including reproductive health care; and where every person has the opportunity to achieve economic security and live with dignity.

We write to voice our strong support for the Equality Act (H.R. 5). Despite significant progress, lesbian, gay, bisexual, transgender and queer (LGBTQ) people still face considerable discrimination and lack necessary protections across the country. While some states have enacted laws that protect against discrimination, the patchwork nature of these protections means that millions of people continue to face harassment, exclusion and uncertainty that negatively impact their safety, their day-to-day lives, their families and their ability to participate fully in society.

Part of achieving our nation's promise of equality, dignity and fairness is ensuring that all people, regardless of sexual orientation or gender identity, have equal opportunity to succeed. No one should have access to services or doors to opportunity closed because of outdated gender stereotypes about how people should act, look or behave. This requires stronger national nondiscrimination protections based on sex, sexual orientation and gender identity.

The Equality Act is groundbreaking civil rights legislation that would amend and supplement the Civil Rights Act of 1964 and other key federal nondiscrimination laws that provide protection from discrimination on the basis of race, color, national origin or religion. This legislation would strengthen protections from discrimination on the basis of sex, and add critical new protections from discrimination on the basis of sexual orientation and gender identity. Specifically, it would provide clear, explicit protection against discrimination based on sexual orientation and gender identity in education, employment, housing, credit, federally funded programs and federal jury services. These protections are essential in ensuring that LGBTQ people have the right to live with dignity and equality.

While the primary focus of the Equality Act is on LGBTQ people, the Act would also close longstanding gaps in federal law and provide important new legal protections for all women by, for the first time, prohibiting discrimination on the basis of sex in public spaces and services and in all federally-funded activities. This means that, for example, when women experience harassment as customers in restaurants, stores, hotels, taxis or airports, there will now be a remedy. The law will also ensure that breastfeeding parents aren't excluded from or treated less favorably in public places just for feeding their children, and it will make clear that pharmacies can't refuse to fill a woman's birth control prescription.

The bill's provisions that would ensure that sex does not stand as a barrier to full participation in federally funded programs or activities will mean, for example, that a developer with a federal grant couldn't discriminate against women-owned businesses in its contracting. Women would also have new tools to challenge a police department's systematically inadequate response to sexual violence and intimate partner violence, if the police department received federal funds; and would be able to challenge denials of

reproductive health care where a federally-funded entity otherwise provides comparable or comprehensive health care.

These protections against sex discrimination are a critical step forward in advancing women's equality in this country.

As a leading national women's rights organization we also feel compelled to state emphatically that the Equality Act's protections for transgender and gender non-conforming people *in no way* undermine the rights or protections afforded to women and *do not* jeopardize women's safety or their ability to participate fully or equally in sport or in any other aspect of our society. Transgender women are women, and any attempt to mischaracterize their gender identity or suggest that they are trying to "take advantage" of protected class status fundamentally misunderstands the reality of transgender people's lives and experiences. Furthermore, it causes real harm to the more than one million Americans who identify as transgender, a population already subject to high rates of violence and abuse, negative mental and physical health outcomes, and experiences with discrimination and stigmatization.

The Equality Act is a long-overdue step forward in extending civil rights protections to millions of women and LGBTQ people. Establishing clear protections is critical at a time when vulnerable communities are under attack. The Equality Act would provide a consistent, national standard and ensure that everyone has the opportunity to live safely and with dignity, to advance at work, to provide for one's family and to thrive economically.

If you have questions about the National Partnership's support for the Equality Act, please contact Shaina Goodman, director of policy for reproductive health and rights, at [sgoodman@nationalpartnership.org](mailto:sgoodman@nationalpartnership.org) or 202-986-2600.