

# EXECUTIVE SUMMARY

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“I HAVE MUCH CONFIDENCE THAT WE SHALL PROCEED SUCCESSFULLY FOR AGES TO COME; AND THAT... IT WILL BE SEEN THAT THE LARGER THE EXTENT OF COUNTRY, THE MORE FIRM ITS REPUBLICAN STRUCTURE, IF FOUNDED, NOT ON CONQUEST, BUT IN PRINCIPLES OF COMPACT & EQUALITY.”

– Thomas Jefferson, June 1817

The lesbian, gay, bisexual and transgender (LGBT) community has made tremendous progress at breakneck-speed over the last four decades. In the United States, LGBT employees of the federal government and federal contractors can work openly and honestly without fear of termination for who they are or who they love. LGBT Americans have explicit workplace and housing protections in 18 states and the District of Columbia. They have the right to marry the person they love in the District of Columbia and 35 states and counting. In numerous cities and towns across the country, laws protect LGBT people, young and old, black and white and Latino and Native American, from discrimination that would make them unsafe in our public spaces. These advances have been critical to ensuring the safety and security of LGBT people across the country.

And yet despite these significant steps forward, LGBT Americans lack basic legal protections in states across the country. The patchwork nature of current LGBT civil rights protections protects millions of people, but leaves millions more subject to uncertainty and potential discrimination that impacts their safety, their family, and their very way of life. A couple who moves from suburban Maryland to a suburban Georgia town when an employer relocates them loses not only recognition of their marriage, but also state-level protections against discrimination. A transgender man who moves from Iowa to Oklahoma to take care of a relative loses any safeguards in public accommodations, putting him at risk of being legally turned away at a restaurant or movie theater. Too often, LGBT Americans are forced to choose where to live based on the legal protections available in a particular jurisdiction.

Since 1980, the Human Rights Campaign has championed the rights of lesbian, gay, bisexual and transgender Americans and fought for equality and justice. To that end, when a new Congress is seated in January, the Human Rights Campaign will endorse and fight for a comprehensive LGBT civil rights and non-discrimination bill that will address discrimination in credit, education, employment, federal funding, housing, jury service and public accommodations—legislation that would finally provide guaranteed redress for LGBT people in all 50 states.

This legislation in each of these categories is necessary for the following reasons:

- **Credit:** There exist no explicit protections prohibiting the denial of credit based on sexual orientation or gender identity. The Equal Credit Opportunity Act currently prohibits credit discrimination on the basis of race, color, religion, national origin, sex, marital status, age or because a person receives public assistance. Credit protections would ensure that LGBT people who are credit worthy could not be denied home or school loans, car leases, or access to credit cards.
- **Education:** There are no explicit, consistent federal protections for students based on sexual orientation or gender identity. Discrimination on the basis of race, color, religion, sex, national origin, and disability in education is prohibited by several federal laws including the Civil Rights Act of 1964, the Education Amendments of 1972, and the Rehabilitation Act of 1973. Education protections would ensure that LGBT people have full access to K-12 and post-secondary educational programs that accept federal funds as well as remedies for harassment in educational settings.
- **Employment:** Non-discrimination protections are not consistently available to all LGBT employees nationwide. Individual corporations or businesses, or even cities and municipalities, may have policies that protect LGBT workers, but a majority of Americans live in states without uniform protections

based on sexual orientation or gender identity. Discrimination on the basis of race, color, religion, sex, national origin, disability, and age in employment is prohibited by several federal laws including the Civil Rights Act of 1964, The Americans with Disabilities Act, and the Age Discrimination in Employment Act. Employment protections would ensure that qualified LGBT employees could not be discriminated against in hiring, promotions, and termination as well as providing remedies for harassment in the workplace.

- **Federal funding:** Despite nondiscrimination protections now available to the employees of federal contractors, entities receiving federal funding through other mechanisms, such as grants, can still discriminate against LGBT people based on sexual orientation or gender identity. Discrimination on the basis of race, color, national origin, and disability by entities receiving federal funds is prohibited by the Civil Rights Act of 1964 and the Americans with Disabilities Act. There are more limited protections from discrimination for entities accepting federal funds on the basis of sex and age. Protections in all programs receiving federal funding would reach LGBT people in a wide range of ways including, health care, homelessness services, child welfare, and education.
- **Housing:** Currently, federal law does not explicitly prohibit discrimination in private housing based on sexual orientation or gender identity. Discrimination on the basis of race, color, religion, sex, national origin, disability, and family status in housing is prohibited by the Fair Housing Act. Housing protections would ensure that qualified LGBT renters and prospective home buyers cannot be discriminated against in leasing or purchasing homes, securing home loans, or accessing brokerage services.
- **Jury service:** There exist no explicit protections based on sexual orientation or gender identity for jury discrimination at the federal level. Discrimination on the basis of race, color, religion, sex, national origin or economic status in jury service is prohibited by the Jury Selection and Services Act. Jury service protections would ensure that LGBT people are not at risk of being removed from federal jury pools.
- **Public accommodations:** There are no federal protections that prohibit discrimination against LGBT people in public spaces, leaving LGBT people at risk in restaurants, places of entertainment and hotels. Discrimination on the basis of race, color, religion, national origin or disability in public accommodations is prohibited by the Civil Rights Act of 1964 and the Americans with Disabilities Act. Public accommodations protections would ensure that LGBT people do not face discrimination or harassment while having dinner, visiting the theater or renting a room at motel.

Advancing comprehensive legislation to address these kinds of inequities is neither radical nor new. Legislation protecting core civil and human rights at the federal level has been proposed and enacted since the beginning of our nation's history. And the first LGBT civil rights bill was introduced in the House of Representatives in 1974. As America has grown and changed, so has the legislation that protects its citizens.

The following report details the legal and historical basis for the Human Rights Campaign's support for this manner of comprehensive federal legislation, broken down into specific subject areas.

The fight for comprehensive LGBT civil rights protections in federal law dates back four decades—and the idea has been borne forward by many hands since. It will be improved further by many minds to come. We stand arm-in-arm with all advocates fighting for full legal equality and, working together, we will succeed.