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(Original Signature of Member)

114TH CONGRESS
2D SESSION

H. R. _____

To [to be supplied]

IN THE HOUSE OF REPRESENTATIVES

Mr. OLSON (for himself and _____) introduced the following bill; which was referred to the Committee on _____

A BILL

To [to be supplied]

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Civil Rights Uni-
5 formity Act of 2016.”

6 **SEC. 2. CONGRESSIONAL FINDINGS AND DECLARATION OF**
7 **PURPOSE.**

8 (a) FINDINGS.—Congress finds the following:

9 (1) Over the past half century, Congress has
10 passed numerous civil rights laws prohibiting dis-

1 crimination on the basis of “sex,” a designation long
2 understood to be grounded in objective biology up to
3 the present day. There is no evidence that Congress
4 or the American people ever understood the word sex
5 or gender in civil rights laws to include subjective
6 self-identification.

7 (2) For years, advocates have pressed Congress
8 to include a person’s subjective self-declared “gender
9 identity” in Federal civil rights laws that prohibit
10 sex discrimination. Congress has declined to do so
11 except for the Shepard-Byrd Act of 2009 and the
12 Violence Against Women Reauthorization Act of
13 2013 where gender identity is defined as “actual or
14 perceived gender-related characteristics” with “gen-
15 der”, there referring to characteristics associated
16 with biological males and females.

17 (3) This demonstrates that when Congress
18 wants to protect sex, it does so explicitly; when it
19 wants to also elevate gender identity it does so ex-
20 plicitly; and when it does not want to elevate gender
21 identity, it can do so either explicitly or by simply
22 not disturbing the status quo.

23 (4) Despite the complete clarity of this point,
24 President Barack Obama’s administration has at-
25 tempted to effectively replace the word “sex” with

1 the phrase “gender identity” for purposes of Federal
2 antidiscrimination law and policy through a series of
3 unilateral executive actions.

4 (5) For example, on December 15, 2014, Attor-
5 ney General Eric Holder announced that the De-
6 partment of Justice would reinterpret the ban on
7 “sex” discrimination under title VII of the Civil
8 Rights Act of 1964 to encompass “gender identity.”
9 This was followed on March 27, 2015, by an Equal
10 Employment Opportunity Commission decision hold-
11 ing that declining to use a female pronoun to ad-
12 dress a male who identifies as female constituted
13 “sex” discrimination under title VII.

14 (6) On May 9, 2016, the Obama administration
15 sued the State of North Carolina and threatened it
16 with fines and loss of Federal funding if it did not
17 adopt the administration’s incorrect readings of title
18 VII of the Civil Rights Act of 1964 and title IX of
19 the Education Amendments of 1972.

20 (7) On May 13, 2016, the Department of Jus-
21 tice and the Department of Education issued jointly
22 a “significant guidance” letter stating that title IX
23 of the Education Amendments of 1972 requires
24 schools to “treat a student’s gender identity as the
25 student’s sex” and must “allow transgender students

1 access to such [restroom and locker room] facilities
2 consistent with their gender identity.” In other
3 words, the Departments consider it a title IX viola-
4 tion if a person of the male sex who self-identifies
5 as a female is not granted unfettered access to wom-
6 en’s or girls’ showers, locker rooms, and bathrooms.
7 This, despite assurance that such a thing would
8 never happen from the likes of Ruth Bader Ginsburg
9 who wrote in 1975 that “[s]eparate places to dis-
10 robe, sleep, perform personal bodily functions are
11 permitted, in some situations required, by regard for
12 individual privacy.” This position was codified in a
13 Federal regulation in section 106.33 of title 34 of
14 the Code of Federal Regulations (2016) that states
15 that recipients of Federal funds “may provide sepa-
16 rate toilet, locker room, and shower facilities on the
17 basis of sex,” with sex obviously referring to biology.

18 (8) Also on May 13, 2016, the Department of
19 Health and Human Services finalized regulations
20 that redefined the Affordable Care Act’s prohibition
21 on “sex” discrimination in federally-funded health
22 programs and activities to cover “gender identity”,
23 thereby opening health care professionals and insur-
24 ers to extensive liability if they decline to participate

1 in or pay for “gender transition” treatments or “sex
2 change” operations.

3 (9) The Obama administration’s actions are an
4 affront to the rule of law, the separation of powers,
5 the will of the people, language, history, safety, pri-
6 vacy, and biological realities.

7 (b) PURPOSE.—The purposes of this Act are _____

8 (1) to prevent the executive branch from unilat-
9 erally rewriting Federal civil rights laws by enacting
10 or implementing any policy or undertaking any en-
11 forcement action that is based on construing the
12 term “sex” or “gender” to mean “gender identity”;
13 and

14 (2) to ensure that gender identity is not treated
15 as a protected class in Federal law or policy without
16 the affirmative approval of the people’s representa-
17 tives in Congress.

18 **SEC. 3. PROHIBITION OF POLICIES REDEFINING SEX TO**
19 **MEAN GENDER IDENTITY.**

20 (a) RULE OF CONSTRUCTION.—In determining the
21 meaning of any Federal civil rights law, and of any related
22 ruling, regulation, guidance, or interpretation of the var-
23 ious administrative bureaus and agencies of the United
24 States, the words “sex” and “gender” and their equiva-
25 lents shall not be interpreted to mean “gender identity”

1 or its equivalent, and the words “man” and “woman” and
2 their equivalents shall refer exclusively to a person’s sex.

3 (b) RULE OF INTERPRETATION.—No Federal civil
4 rights law shall be interpreted to treat gender identity or
5 transgender status as a protected class, unless such law
6 expressly designates “gender identity” or “transgender
7 status” as a protected class.

8 (c) DEFINITION OF “FEDERAL CIVIL RIGHTS
9 LAW”.—For purposes of this Act, the term “Federal civil
10 rights law” means any Federal law prohibiting discrimina-
11 tion on the basis of sex or gender, including title IX of
12 the Education Amendments of 1972 (20 U.S.C. 1681 et
13 seq.), the Civil Rights Act of 1964 (42 U.S.C. 2000a et
14 seq.), the Fair Housing Act (42 U.S.C. 3601 et seq.), the
15 Patient Protection and Affordable Care Act (Public Law
16 111–148), and any other law prohibiting discrimination
17 on the basis of sex or gender.