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NEWS FOR IMMEDIATE RELEASE

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AG Kaul & 25 AGs Calling for Passage of the Federal Equality Act *AGs Urge Senate to Pass Measure Prohibiting Discrimination Against LGBTQ Americans*

MADISON, Wis. – Attorney General Josh Kaul today joined a coalition of 25 attorneys general to call on the U.S. Senate to pass legislation that protects individuals from discrimination on the basis of sexual orientation and gender identity.

The coalition [issued a letter](#) to Senate leadership urging the chamber to pass H.R. 5, the Equality Act. The Equality Act would strengthen federal legal protections for LGBTQ Americans by clarifying and modernizing federal civil rights law and would prohibit discrimination against LGBTQ individuals in employment, education, federally-funded programs, housing, public accommodations, credit and jury service. The attorneys general argue that updates to the nation’s civil rights laws are long overdue.

“The Equality Act would expand anti-discrimination protections for LGBTQ Americans. Congress should pass this significant legislation,” said Attorney General Kaul.

In June 2020, the U.S. Supreme Court ruled that Title VII of the Civil Rights Act of 1964 protects employees who are fired for being gay or transgender. The court determined that employment discrimination based on sexual orientation or gender identity is discrimination on the basis of sex, which is prohibited by Title VII. In their letter today, the coalition points out that despite the court’s decision, the absence of explicit federal prohibitions on discrimination based on sexual orientation and gender identity leave many LGBTQ Americans vulnerable to experiencing discrimination in

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education, housing, credit, and health care. The coalition also points out that federal law does not currently prohibit sexual orientation and gender identity discrimination in other areas, such as federally-funded programs and the jury system. As a result, individuals who do experience such discrimination are left without legal recourse.

The Equality Act addresses these gaps by clarifying that existing protections under federal civil rights law include discrimination on the basis of sexual orientation and gender identity. The changes will create and expand protections for LGBTQ Americans facing discrimination in education, employment, housing, credit and public facilities. The legislation will also prohibit discrimination on the basis of sex, including sexual orientation and gender identity, in sections of the Civil Rights Act of 1964 that prohibit discrimination in public accommodations and federal funding. In addition, the legislation expands the definition of public accommodations to expressly prohibit sex discrimination, such as denying services to people because they are pregnant or breastfeeding, or denying transgender individuals access to sex-specific restrooms corresponding to their gender identities. The legislation further clarifies that the U.S. attorney general may intervene in federal court actions alleging denial of equal protection of the laws based on sexual orientation and gender identity.

In the letter, the attorneys general highlight their interest in protecting their residents from unlawful discrimination on the basis of sex, sexual orientation and gender identity. State attorneys general have authority to launch investigations, bring legal actions and enforce laws on behalf of their states, and the Equality Act would expand their civil rights enforcement toolkit. For instance, the legislation adds sexual orientation and gender identity to the list of groups protected under the Equal Credit Opportunity Act and the Fair Housing Act – both of which state attorneys general routinely enforce.

The coalition state that the Equality Act is needed to create a national standard, expanding civil rights protections beyond the existing patchwork of state laws. While a number of states have amended their laws to expand protections for LGBTQ residents, Raoul and the coalition argue the Equality Act is needed to fill the gap in the 27 states where LGBTQ Americans currently have no state-level protection against discrimination.

Joining Attorney General Kaul in submitting the letter are the attorneys general of California, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, and Washington.