

ADVOCATE.COM

ENDA to Be Separated Into Two Bills: Sexual Orientation and Gender Identity

September 29, 2007

Rep. Barney Frank will be introducing two separate versions of the Employment Non-Discrimination Act: one that prohibits discrimination on the basis of sexual orientation and another one that does the same regarding gender identity. The latter would protect transgender people, including those who have had sexual reassignment surgery and those who are living as the opposite sex from which they were born.

The ENDA bill without trans inclusion will be marked up by the chamber's Education and Labor Committee next Tuesday so that it can be sent to the House floor for a vote, Steven Adamske, a spokesperson for Frank, told *The Advocate*.

"The other one, GENDA if you will, will move on a separate track and will give the ability for the committee and other lawmakers to hold hearings on it and better educate other lawmakers," Adamske added.

The original bill that was cosponsored by Frank included protections for sexual orientation and gender identity. Frank and House leadership decided to split the measure in two after they said a preliminary "whip" vote revealed the original bill didn't have enough votes to pass due to the trans-inclusive language.

Advancing two separate bills has, at least temporarily, set House leaders and LGBT activists on opposite sides of the fence.

Mara Keisling, executive director of the National Center for Transgender Equality, said she wasn't convinced the original trans-inclusive bill couldn't pass. "We think the bill was pulled prematurely and abruptly," said Keisling. "Because they pulled the bill, we'll never know."

Keisling said the language of the two new bills was probably close to identical, with the exception that the gender identity bill had some shower and dressing room provisions that were specific to trans people.

"It is disheartening to see that a bill, drafted over several years through a collaborative effort of LGBT advocates and allies, would be rejected without the counsel or assent of a single one of these organizations," read a statement released by NCTE Friday morning.

On Thursday, 11 other organizations, including the National Gay and Lesbian Task Force and National Stonewall Democrats, joined NCTE in opposing removal of the transgender protections from the original bill. The Human Rights Campaign said it did not "assent" to

stripping trans language from ENDA but had yet to indicate how it will proceed now that two separate bills have emerged.

The Washington Post editorialized about the controversy Friday morning, saying, “It requires time and patience to educate the public and lawmakers about how prejudice harms some people.... Delaying passage of ENDA, which was first introduced in the House in the mid 1970s by Rep. Bella Abzug (D-N.Y.), until the transgender community changes enough hearts and minds would be a mistake.”