

## ENDA Passes House

### Would Prevent Employment Discrimination on Orientation

November 20, 2007

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The Employment Non-Discrimination Act was passed in the House of Representatives and awaits a vote in the Senate. The bill is intended to “prohibit employment discrimination on the basis of sexual orientation.”

Voted on and accepted by the House, the bill’s text reads, “an unlawful employment practice for an employer” would be to discriminate against any individual in regard to hiring, firing, salary or other benefit decisions based on the person’s “actual or perceived sexual orientation.” The ENDA also forbids an employer from trying to “limit, segregate or classify the employees or applicants for employment,” based on sexual orientation.

One of the accepted amendments to the bill, proposed by Rep. George Miller (D-Ca.), provides an exemption to law for religious organizations and does not require employers to extend benefits to the significant others of gay employees.

A spokesperson for Miller said, “We clarified the bill to make sure there would be no confusion that the term ‘married’ in the Employment Non-Discrimination Act had any different meaning than what was already provided for it by the federal definition of marriage.” Her statement was in reference to the Defense of Marriage Act.

Another amendment that was proposed and later withdrawn by Rep. Tammy Baldwin (D-Wi.), one of only two openly gay members of Congress, would have offered additional protection on the basis of gender identity. Baldwin, who has stressed the importance of anti-discrimination legislation of all kinds, spoke about her decision to withdraw the legislation in a press release.

“Some people have asked why I insisted on bringing an amendment to the floor, only to withdraw it without a vote,” said Baldwin. The reason is simple. Those left behind by this bill deserve to hear, on the floor of the House, that they are not forgotten and our job will not be finished until they, too, share fully in the American Dream.”

Ric Chollar, the faculty adviser for Pride Alliance, who claims no particular side of the argument, said from his personal and professional vantage point that LGBTs are “highly divided on the current status of the ENDA legislation debate.”

For some, incremental change is the best way to achieve equality and passing ENDA in any form is a step in the right direction.

“It is important to note that in many, many states, it is permissible to fire employees simply because they are gay, lesbian, bisexual—and in Virginia, this has been a major problem for many people,” said Chollar. “For the first time, a majority of representatives approved this. I can remember many years ago the number who would vote yes for this would be less than 10.”

Rep. Barney Frank (D-Ma.), the other openly gay member of the House and the sponsor of the ENDA bill that has been accepted, previously sponsored another version of the bill that would have extended the protection based on gender identity. The first version of ENDA defined gender identity as “the gender-related identity, appearance or mannerisms or other gender-related

characteristics of an individual, with or without regard to the individual's designated sex at birth," according to Library of Congress records.

"Folks seeing this as a bad thing argue that it is the transgender community- as well as any folks, regardless of the gender identity they claim, who look, act or dress in ways that don't conform to traditional gender expectations—who most need this protection," Chollar said.

He added that those on this side of the argument say, "Trans and gender variant folks are targeted for discrimination, for harassment, for violence in much higher amounts than other members of the LGBTQ communities," Chollar said.

**The National Gay and Lesbian Task Force wrote a statement of opposition to the non-gender inclusive version of ENDA to the House of Representatives saying, "We oppose legislation that leaves part of our community without protections and basic security that the rest of us are provided." Included in the signatories were more than 350 of the most prominent, national LGBT organizations.**

The Human Rights Campaign is the most notable group that is the exception to this resistance, pushing for passage of the ENDA that awaits the Senate vote.