



Written by [Michael Tennant](#) on November 26, 2021

House Republicans Push “Compromise” Version of Equality Act

Nearly two dozen House Republicans are cosponsoring a bill that would make sexual orientation and gender identity (SOGI) a protected class under federal civil-rights law, albeit with limited exceptions for religious objectors, a piece of legislation they claim is a conservative compromise with the Democrats’ misnamed [Equality Act](#).

The equally misnamed [Fairness for All Act \(FFAA\)](#), introduced by Representative Chris Stewart (R-Utah) and cosponsored by 21 other GOP congressmen plus a Republican delegate from Puerto Rico, would add SOGI to the list of classes against whom most public and private entities may not discriminate. According to the bill’s summary, it would also “expand[] the definition of *public accommodation* to which sex discrimination laws apply.”

Unlike the Equality Act, however, FFAA does grant exemptions to religious institutions — but it does not allow individuals or employers with more than 15 employees to opt out even if they have religious objections to the law. Those who dissent from the transgender ideology for purely secular reasons, such as not wanting their daughters to be [raped in school restrooms by skirt-wearing boys](#), have no recourse whatsoever.

In an interview with [National Review](#), Stewart “vehemently denied that the bill would lead to the weakening of sex-based protections for women ... arguing that the concerns about the bill raised by a range of conservative-leaning groups ... were ‘just wrong’ and that the bill is ‘mute’ on the question of access to single-sex spaces.” He claimed that the bill “requires the expansion of private [single-sex] spaces” but otherwise leaves decisions about sex-segregated restrooms, sports, and so on up to states and localities.

Ryan Anderson, president of the Ethics and Public Policy Center, begged to differ.

“The bill prohibits discrimination in federally funded programs,” he told *National Review*. “That includes discrimination on the basis of so-called gender identity. So if your local school is receiving federal funding for the school-lunch program or something like that, that’s going to have a huge impact on all sorts of commonsense school policies that the Left will now say are discrimination on the basis of gender identity.”

“Moreover,” wrote *National Review*,

the expansion of private single-sex spaces that Stewart referenced ostensibly protects “sex



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segregation or sex-specific programming.” But as Anderson points out, those protections are undermined by the fact that in the same sentence, the bill *specifies that sex should be determined on the basis of gender identity*, allowing for sex segregation only insofar as “individuals are treated in accordance with their gender identity.” Similarly, sex-based privacy accommodations for students in publicly funded institutions are only acceptable “provided that ... the accommodation does not exclude any student from such a facility to which the student has a right of access or otherwise prejudice any right or privilege protected under this title.”

In addition, the bill allows practically anyone to claim to be transgender and thus be entitled to all the privileges accorded to protected classes. “A person’s gender identity,” it states, “can be shown by providing evidence, including medical history, care or treatment of the gender identity, consistent and uniform assertion of the gender identity, or other evidence that the gender identity is sincerely held, part of a person’s core identity, and not being asserted for an improper purpose.”

“Contra its framing as a ‘compromise’ between religious liberty and expanded LGBT protections,” observed *National Review*, “FFAA wields government power to require an affirmation of gender ideology as a precondition for participation in much of public life, with a certain set of exceptions in particular corners of the political community.”

Not for nothing did Stewart get an award from the Log Cabin Republicans for pushing this piece of legislation.

Even if one accepts the notion that FFAA is a compromise, it is a compromise in the wrong direction. It gives the radical left most of what it wants in exchange for some tiny concessions for religious institutions — concessions the LGBT activist groups, who have already declared their opposition to the bill, would surely work to eradicate should it ever become law. Besides, asked *National Review*, with “all of the momentum ... on the Right’s side of the transgender issue,” rather than seek compromise on the matter, “why not just oppose *all* attempts to erode conscience rights?”



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