

109TH CONGRESS  
1ST SESSION

# H. R. 3128

To affirm that Federal employees are protected from discrimination on the basis of sexual orientation and to repudiate any assertion to the contrary.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2005

Mr. WAXMAN (for himself, Mr. SHAYS, Mr. DAVIS of Illinois, Mr. FOLEY, Mr. FRANK of Massachusetts, Mr. KOLBE, Mr. HOYER, Mr. ENGEL, Ms. BALDWIN, Mr. VAN HOLLEN, and Ms. NORTON) introduced the following bill; which was referred to the Committee on Government Reform

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## A BILL

To affirm that Federal employees are protected from discrimination on the basis of sexual orientation and to repudiate any assertion to the contrary.

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 “Clarification of Federal  
5 Employment Protections Act”.

6 **SEC. 2. DISCRIMINATION ON THE BASIS OF SEXUAL ORI-**  
7 **ENTATION PROHIBITED.**

8 (a) REPUDIATION.—In order to dispel any public con-  
9 fusion, Congress hereby repudiates any assertion that

1 Federal employees are not protected from discrimination  
2 on the basis of sexual orientation.

3 (b) AFFIRMATION.—It is the sense of Congress that,  
4 in the absence of the amendment made by subsection (c),  
5 discrimination against Federal employees and applicants  
6 for Federal employment on the basis of sexual orientation  
7 is prohibited by section 2302(b)(10) of title 5, United  
8 States Code.

9 (c) AMENDMENT.—Section 2302(b)(1) of title 5,  
10 United States Code, is amended—

11 (1) by striking “or” at the end of subparagraph  
12 (D);

13 (2) by inserting “or” at the end of subpara-  
14 graph (E); and

15 (3) by adding at the end the following:

16 “(F) on the basis of sexual orientation.”.

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