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HR 5 – Equality Act

An Extreme Threat to Religious Freedom, Speech, Privacy, and Women’s Rights

HR 5, wrongly named the Equality Act, is the most extreme threat to religious freedom, free speech, privacy, and to women’s rights that has ever been proposed by Congress. The impact of HR 5 will be widespread – affecting churches; religious colleges and universities; public, private, and Christian schools; curriculum; religious and private organizations; employers; employees; individuals; foster care and adoption; shelters; local, state, and federal entities; privacy; women’s rights; and more.

HR 5 elevates “sexual orientation and gender identity” (referred to here as LGBT) to the same protected category as race. **The best way to conceptualize the far-reaching impact of HR 5 is best expressed in this short sentence – what you cannot do legally respecting race, you will not be able to do legally respecting LGBT.** For example, churches and religious colleges are subject to the federal law respecting racial discrimination. Thus, churches and religious schools that have policies segregating people on the basis of race (such as separate restrooms) would violate the current law and thus lose tax-exempt status, and schools would also lose accreditation. Without accreditation, schools are not able to receive student loans, thus resulting in the closure of virtually every non-complying school in America.

Shockingly, HR 5 expressly states that the right to religious free exercise under federal law may not be used as a claim or a defense. HR 5 guts religious free exercise protections. HR 5 elevates LGBT over religious free exercise, free speech, conscience, and privacy. Everything that women have fought for will be dismantled by HR 5. If a biological male can legally be considered a woman for any reason (sports or otherwise), then the many achievements made by women become illusory.

Below are some brief bullet points:

- Among other things, amends federal employment and public accommodations law by adding “sexual orientation and gender identity” (“actual or perceived”) to the same protection as race;
- Prohibits free exercise of religion as a claim or defense;
- Applies to churches; private and religious schools; hospitals; employers and contractors; places of gatherings; sports; local, state, and federal entities;
- Non-complying churches or nonprofit organizations will lose tax-exempt status;
- Non-complying schools will lose accreditation, including colleges, which in turn means colleges will not be able to accept student loans;
- Private, religious, and public employers and employees will have to affirm LGBT;

- Applies to any “stadium or other place of or establishment that provides exhibition, entertainment, recreation, exercise, amusement, gathering, or display,” and “any establishment that provides a good, service, or program, including a store, shopping center, online retailer or service provider, salon, bank, gas station, food bank, service or care center, shelter, travel agency, or funeral parlor, or establishment that provides health care, accounting, or legal services,” and any place or establishment that provides “transportation service”;
- An “establishment” includes “an individual whose operations affect commerce and who is a provider of a good, service, or program” and is not “limited to a physical facility or place”;
- Venues that provide weddings or where they are celebrated, including churches, will be forced to open their facilities to same-sex weddings or other LGBT events;
- Biological men who subjectively assert they “identify as a woman” (and vice versa) will be able to use women’s restrooms, dressing rooms, locker rooms, showers, and bunk with women on overnight stays (including church, mission, or school events of all ages, and domestic abuse shelters), participate in sports as a “woman,” and more);
- Privacy to use men’s or women’s facilities (including bunking and sleeping facilities) will be nonexistent;
- Immutable biological differences and unique attributes between sexes will become illusory because birth sex is irrelevant under HR 5;
- Women’s rights and historic gains made by women will be negatively affected because men will be able to legally be recognized and treated as “women”;
- Adoption and foster care agencies, including prospective adoptive or foster care parents, will not be able to make placement decisions based on LGBT, and such prospective adoptive or foster parents will be ineligible unless they affirm LGBT;
- Public school curriculum will indoctrinate LGBT and adopt pro-LGBT policies (including use of pronouns and male-female facilities), and HR 5 will also transform private and religious schools;
- Religious employers, including churches and schools, will not be able to maintain and apply marriage policies as the union of one man and one woman, or human sexuality policies or doctrine about sexual relations outside of a married man and woman, in hiring, promotions, benefits, terminations, or public accommodations;
- Home-based businesses and artists who work with flowers, cakes, weddings, photography, films, printing, and more will be required to comply with LGBT;
- Rental property must comply with LGBT, including single room rentals in owner-occupied home or Bed and Breakfast;
- Healthcare providers must comply with LGBT and cannot refuse a service or good based on religious or moral reasons (including hormones and plastic surgery);
- Contractors will be precluded from contracting with and working for local, state, or federal entities unless they affirm LGBT;
- Local, state, and federal grants will require LGBT affirmation and compliance;
- Counselors and clients of all ages will not be able to receive any counsel for their unwanted same-sex attractions, behavior, or gender confusion;
- HR 5 will increase censorship of people and organizations that do not affirm LGBT (including social media, internet search engines, banking, credit cards, and credit card processing);
- HR 5 will be used as a wrecking ball to churches, religious organizations, religious freedom, and free speech; and
- Much more.