

CONCERNED
WOMEN *for* AMERICA
LEGISLATIVE ACTION COMMITTEE

June 15, 2021

The Honorable
U.S. House of Representatives
Washington, DC 20515

Dear Representative:

Concerned Women for America Legislative Action Committee (CWALAC) supports the objectives of existing law under the Equal Credit Opportunity Act to prevent discrimination unrelated to a credit or loan transaction. Financial services should be objective and neutral as related to perceived gender identity or private sex life.

But H.R. 1443 does something very different. This legislation would make sexual and gender identity central to all parts of the small business loan process, encouraging full disclosure of business owners' sexual conduct and gender perceptions that are totally undefined and entirely unrelated to their qualifications for small business government lending.

Specifically, the bill amends section 704B of the Equal Credit Opportunity Act (15 U.S.C. 1691c-2) to reconceive the meaning of "sex" under federal law – something that will have long-term detrimental effects for women's rights in multiple areas of federal law. The legislation also requires data collection of undefined categories of sexual orientation and gender identity, thus urging self-disclosure of characteristics that could be fluid and cannot be refuted or verified without intrusion.

By adding these subjective, unenforceable, and ever-evolving categories that elevate sexual and gender self-identities over objective, immutable characteristics, H.R. 1443 opens the door to confusion, misinterpretation, and manipulation. Nowhere are these terms defined or the limits of their meaning established.

In effect, H.R. 1443 proposes to do what the failed Equality Act seeks to achieve: redefining the meaning of sex in federal law to include sexual orientation and "gender identity." Further, the bill creates a new business category defined as "LGBTQ-owned" and mandatory data collection that could be a pretext for elevated protections and special treatment, including procurement set-asides, under federal law. Probing sexual conduct, private sex lives, and fluid gender perceptions should be a violation of rights to privacy and conscience, not a government-sanctioned practice enshrined into law. No business owner should be subject to such government pressure. No lender should be required to probe the personal lives of prospective clients.

Federal anti-discrimination laws should seek to mitigate unnecessary distinctions, not multiply or manipulate them. Members should reject H.R. 1443 as an aggressive, errant government intrusion into Americans' private lives and a political tactic to promote radical gender ideology that reflects the failed, deceptive agenda of the Equality Act. CWALAC will score a vote against H.R. 1443 and include this vote on our annual scorecard.

Sincerely,

Penny Young Nance
CEO and President