

**AMENDMENT TO H.R. 3685, AS REPORTED
OFFERED BY MS. BALDWIN OF WISCONSIN**

Throughout the Act, insert “or gender identity” after “sexual orientation” each place it appears.

In section 3(a), after paragraph (5) insert the following (and redesignate succeeding paragraphs accordingly):

1 (6) GENDER IDENTITY.—The term “gender
2 identity” means the gender-related identity, appear-
3 ance, or mannerisms or other gender-related charac-
4 teristics of an individual, with or without regard to
5 the individual’s designated sex at birth.

In section 8(a), insert after paragraph (2) the following (and redesignate succeeding paragraph accordingly):

6 (3) CERTAIN SHARED FACILITIES.—Nothing in
7 this Act shall be construed to establish an unlawful
8 employment practice based on actual or perceived
9 gender identity due to the denial of access to shared
10 shower or dressing facilities in which being seen
11 unclothed is unavoidable, provided that the employer
12 provides reasonable access to adequate facilities that

1 are not inconsistent with the employee's gender iden-
2 tity as established with the employer at the time of
3 employment or upon notification to the employer
4 that the employee has undergone or is undergoing
5 gender transition, whichever is later.

6 (4) ADDITIONAL FACILITIES NOT REQUIRED.—
7 Nothing in this Act shall be construed to require the
8 construction of new or additional facilities.

9 (5) DRESS AND GROOMING STANDARDS.—Noth-
10 ing in this Act shall prohibit an employer from re-
11 quiring an employee, during the employee's hours at
12 work, to adhere to reasonable dress or grooming
13 standards not prohibited by other provisions of Fed-
14 eral, State, or local law, provided that the employer
15 permits any employee who has undergone gender
16 transition prior to the time of employment, and any
17 employee who has notified the employer that the em-
18 ployee has undergone or is undergoing gender tran-
19 sition after the time of employment, to adhere to the
20 same dress or grooming standards for the gender to
21 which the employee has transitioned or is
22 transitioning.