

WOMEN'S HISTORY MONTH CONGRESSIONAL LEGISLATION

*WITH SPECIAL THANKS TO THOSE WHO
CONTRIBUTED TO THE CREATION OF
THIS LEGISLATION*

Victoria Beard
Kimberly Berlat
Martene Campbell
Nicole Castillo
Ursula Gruber
Becca Marks
Jennifer Owen
Alexandra Sencer
Brittany Stanchik

Congressional Legislation

- A Resolution to Protect Virtual and Augmented Reality Users3
- A Bill to Require Transparency in Forced Arbitration Claims of Sexual Harassment and Retaliation4
- A Bill to Mandate Gender Mainstreaming to Offer a Pluralistic Public Policy Approach.....5
- A Bill to Eliminate the Pink Tax to Establish Economic Gender Equality.....6
- A Bill to Bolster Corporate Leadership7
- A Bill to Reform the Federal Judiciary to Reflect Gender Equality8
- A Bill to Close the Gender Wage Gap9
- A Bill to Prohibit Discrimination on the Basis of Sex, Gender Identity, and Sexual Orientation10

A Resolution to Protect Virtual and Augmented Reality Users

1 BE IT ENACTED BY THE CONGRESS HERE ASSEMBLED THAT:

- 2 **WHEREAS,** Virtual and augmented reality blurs the line between the digital and
3 physical worlds creating a sense of being present in the virtual world; and
- 4 **WHEREAS,** Global virtual reality is steadily growing and the market size is expected to reach
5 \$22.9 billion by the end of 2020, with the United States' market size projected
6 to be \$18.8 billion; and
- 7 **WHEREAS,** The demand for virtual reality applications is increasing in the healthcare
8 sector, gaming, and entertainment media, automotive, manufacturing, and
9 other industries. Of these, gaming and entertainment media covers a 40.5% of
10 the global virtual reality market share; and
- 11 **WHEREAS,** Steam, an online video game distribution service, reported in June of 2019 that
12 the monthly-connected VR headsets on Steam surpassed 1 million for the first
13 time; and
- 14 **WHEREAS,** Virtual reality offers the potential to revolutionize education and training
15 in numerous professional fields; and
- 16 **WHEREAS,** Without established community norms and regulations, virtual reality
17 can become an area for increased virtual assault and harassment; and
- 18 **WHEREAS,** According to Pew Research Center, 41 percent of Americans were subjected
19 to harassing behavior online, while 66 percent witnessed this behavior. For
20 more severe forms of harassment, such as physical threats, sexual harassment
21 or stalking, nearly 18 percent of Americans were targets; now, therefore, be it
- 22 **RESOLVED,** By the Congress here assembled that Congress will create a commission
23 comprised of representatives from the Entertainment Software Rating Board,
24 Federal Communications Commission, and the Federal Bureau of Investigation
25 to oversee the establishment of codes of conduct for virtual and augmented
26 reality users in the United States.

A Bill to Require Transparency in Forced Arbitration Claims of Sexual Harassment and Retaliation

1 BE IT ENACTED BY THE CONGRESS HERE ASSEMBLED THAT:

2 **SECTION 1.** Employers are prohibited from requiring confidentiality clauses in forced arbitration
3 pertaining to sexual harassment, sexual assault, or retaliation due to the reporting
4 thereof.

5 **SECTION 2.** Forced arbitration is an agreement to forgo the rights to settle disputes through
6 civil or class action as a condition of employment.

7 Sexual harassment is written, verbal, or physical requests for sexual favors whose
8 rejection would adversely affect a person's standing.

9 Sexual assault is physical contact against a person's will with the intent to coerce a
10 person into a sexual act.

11 Retaliation is punitive action by an employer against an employee for reporting or
12 filing a claim pertaining to a protected activity.

13 **SECTION 3.** The Equal Employment Opportunity Commission will oversee the enforcement of
14 this bill.

15 A. Results of these forced arbitration claims must be reported to the EEOC within
16 30 days of completion.

17 B. Companies must make public the results of previously settled forced arbitration
18 pertaining to sexual harassment, sexual assault, or retaliation due to the
19 reporting of sexual harassment from 2018 forward.

20 **SECTION 4.** This shall take effect on February 17, 2021

21 **SECTION 5.** All laws in conflict with this legislation are hereby declared null and void.

A Bill to Mandate Gender Mainstreaming to Offer a Pluralistic Public Policy Approach

1 BE IT ENACTED BY THE CONGRESS HERE ASSEMBLED THAT:

2 **SECTION 1.** Gender mainstreaming shall be adopted as a mandatory process.

3 **SECTION 2.** A. "Gender mainstreaming" shall be defined as taking a gendered perspective in the
4 process of assessing the implications for women and men of any planned action,
5 including legislation, policies or programs, in all areas and at all levels of the federal
6 government with the goal of making women's as well as men's concerns and
7 experiences as an integral dimension of the design, implementation, monitoring
8 and evaluation of policies and programs in all political, economic and social spheres
9 so that women and men benefit equally.

10 B. All international treaties must use non-gendered language.

11 C. The Office of Management and Budget (OMB) must provide gender-responsive
12 budgeting analysis for all executive programs.

13 **SECTION 3.** The U.S. Commission on Civil Rights shall oversee the implementation of this
14 legislation.

15 **SECTION 4.** This law shall go into effect Monday, March 8, 2021.

16 **SECTION 5.** All laws in conflict with this legislation are hereby declared null and void.

A Bill to Eliminate the Pink Tax to Establish Economic Gender Equality

1 BE IT ENACTED BY THE CONGRESS HERE ASSEMBLED THAT:

2 **SECTION 1.** It shall be unlawful to sell any two consumer products from the same manufacturer
3 or service-provider that are substantially similar if such products are priced
4 differently based only on the gender of the individuals for whose use the products
5 are intended or marketed.

6 **SECTION 2.** The following definitions shall apply:

7 A. Consumer products shall include any product or service for sale.

8 B. Intended gender for consumers of products can be determined through use of
9 “for her, for women, for girls” or similar phrases in marketing and/or by the
10 pink color of a product.

11 **SECTION 3.** The Federal Trade Commission shall ensure compliance with this bill.

12 A. Any manufacturer or service provider that fails to comply with this bill will be
13 fined 1 million dollars for each product in non-compliance.

14 B. 50% of all monies collected through fines will be donated to charities for
15 women and girls; the FTC will determine the specific charities on a yearly basis.

16 C. Any fined manufacturer or service provider will be required to undergo specific
17 training programs at their own expense; the FTC will determine the appropriate
18 programs.

19 **SECTION 4.** This bill shall be implemented upon passage.

20 **SECTION 5.** All laws in conflict with this legislation are hereby declared null and void.

A Bill to Bolster Corporate Leadership

- 1 **Section 1.** A. All publicly held domestic corporations are hereby required to have an equal
2 ratio of female to male sitting board members.
- 3 B. Corporations may increase the number of directors on its board in order to
4 comply with the aforementioned mandate.
- 5 **Section 2.** A. "Female" is an individual who self-identifies her gender as a woman, without
6 regard to the individual's designated sex at birth.
- 7 B. "Publicly held domestic corporation" is a corporation with outstanding shares
8 listed on a major United States stock exchange.
- 9 **Section 3.** The Secretary of State shall oversee this legislation by adopting and enforcing the
10 following regulations:
- 11 A. Corporations that fail to adhere to section 1 by the next fiscal year (2020) shall
12 be fined \$100,000.
- 13 B. Corporations that fail to adhere to section 1 by the subsequent fiscal year
14 (2021, 2022, 2023, etc.) shall be fined in equivalent measures (\$200,000;
15 \$300,000; \$400,000, etc).
- 16 **Section 4.** This legislation shall go into effect immediately upon passage.
- 17 **Section 5.** All laws in conflict with this legislation are hereby declared null and void.

A Bill to Reform the Federal Judiciary to Reflect Gender Equality

1 BE IT ENACTED BY THE CONGRESS HERE ASSEMBLED THAT:

2 **SECTION 1.** A. 28 U.S.C. §1 be amended to state: “the Supreme Court of the United States shall consist
3 of a Chief Justice of the United States and eight associate justices, five of whom shall be
4 women, and any six of whom shall constitute a quorum.”

5 B. A Gender Equality Bench Protocol be implemented to guide the federal judiciary in
6 adjudication.

7 **SECTION 2.** The Gender Equality Bench Protocol will promote awareness of ways in which gender
8 intersects with other social statuses to affect the justice system, provide tools to help
9 judicial officers achieve gender-sensitive adjudication, and will be modeled after
10 comparable protocols in place around the world, such as Belize’s “Justice Through a Gender
11 Lens: Gender Equality Protocol for Judicial Officers” and Mexico’s “Judicial Decision-Making
12 with a Gender Perspective: A Protocol.”

13 **SECTION 3.** The United States House Judiciary Committee and Department of Justice will be tasked
14 with developing, implementing, and monitoring the progress of the Gender Equality Bench
15 Protocol.

16 **SECTION 4.** This legislation will go into effect immediately. The Supreme Court will have until
17 December 31, 2030 to meet parity requirements.

18 **SECTION 5.** All laws in conflict with this legislation are hereby declared null and void.

A Bill to Close the Gender Wage Gap

1 BE IT ENACTED BY THE CONGRESS HERE ASSEMBLED THAT:

2 **SECTION 1.** The United States Government shall hereby work to close the gender wage gap through
3 making equal pay mandatory and providing pension credits for individuals who have left
4 the workforce to provide childcare.

5 **SECTION 2.** A. Equal pay shall be defined as the concept that individuals in the same workplace be
6 given equal pay, dependent on the profession and job position.

7 B. Pension credit shall be defined as an income-related employment benefit that
8 women who served in the capacity of a primary child care provider can claim once they
9 reach the age of 66.

10 1. For single pensioners with a weekly income (including pension) below
11 \$250.00, a pension credit will be awarded up to the amount needed to
12 close the gap between weekly income and the \$250.00 ceiling.

13 2. For heterosexual couples, if the pensioner and their legal partner have a
14 joint weekly income (including pension) that is below \$350.00, a
15 pension credit will be awarded up to the amount needed to close the
16 gap between weekly income and the \$350.00 ceiling.

17 3. For female-gendered same-sex couples, if the pensioner and their legal
18 partner have a joint weekly income (including pension) that is below
19 \$450.00, a pension credit will be awarded up to the amount needed to
20 close the gap between weekly income and the \$450.00 ceiling.

21 C. Childcare shall be defined as the daily care of a minor for a year or more.

22 **SECTION 3.** The US Department of Labor shall oversee the implementation of this bill to ensure
23 equal pay is carried out in the workplace and pensions are carried out.

24 A. All businesses that fail to comply shall be fined 4% of their annual profits and shall
25 increase by 3% for every consecutive infraction.

26 B. Inspections of all business shall occur annually to ensure the proper implementation
27 of this bill.

28 C. All employed childcare providers shall receive $\frac{3}{4}$ of their monthly wage, while taking
29 parental leave.

30 **SECTION 4.** This bill shall go into effect fiscal year 2022.

31 **SECTION 5.** All laws in conflict with this legislation are hereby declared null and void.

A Bill to Prohibit Discrimination on the Basis of Sex, Gender Identity, and Sexual Orientation

1 BE IT ENACTED BY THE CONGRESS HERE ASSEMBLED THAT:

2 **SECTION 1.** The Civil Rights Act shall be expanded to prohibit discrimination based on sex,
3 sexual orientation, and gender identity in a wide variety of areas, including
4 public accommodations and facilities, education, federal funding, employment,
5 housing, credit, and the jury system.

6 **SECTION 2.** In titles II, III, IV, VI, VII, and IX of the Civil Rights Act, these definitions apply:
7 (a) RACE; COLOR; RELIGION; SEX; SEXUAL ORIENTATION; GENDER IDENTITY;
8 NATIONAL ORIGIN.—The term ‘race,’ ‘color,’ ‘religion,’ ‘sex’ (including ‘sexual
9 orientation’ and ‘gender identity’), or ‘national origin,’ used with respect to an
10 individual, includes—(1) the race, color, religion, sex (including sexual orientation
11 and gender identity), or national origin, respectively, of another person with
12 whom the individual is associated or has been associated; and (2) a perception
13 or belief, even if inaccurate, concerning the race, color, religion, sex (including
14 sexual orientation and gender identity), or national origin, respectively, of the
15 individual.

16 (b) GENDER IDENTITY.—The term ‘gender identity’ means the gender-related
17 identity, appearance, mannerisms, or other gender-related characteristics of an
18 individual, regardless of the individual’s designated sex at birth.

19 (c) SEX.—The term ‘sex’ includes (1) a sex stereotype; (2) pregnancy, childbirth,
20 or a related medical condition; (3) sexual orientation or gender identity; and (4)
21 sex characteristics, including intersex traits.

22 (d) SEXUAL ORIENTATION.—The term ‘sexual orientation’ means homosexuality,
23 heterosexuality, or bisexuality.

24 **SECTION 3.** Federal agencies shall ensure compliance with this law and the U.S. Attorney
25 General shall enforce the constitutional rights herein guaranteed.

26 **SECTION 4.** This bill shall be implemented upon passage.

27 **SECTION 5.** All laws in conflict with this legislation are hereby declared null and void.

Adapted from H.R. 5, as introduced in the 116th Congress