A BILL

To prohibit discrimination on the basis of sex, marital status, and sexual orientation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That this Act may be cited as the "Equality Act of 1974".

PUBLIC ACCOMMODATIONS

Sec. 2. (a) Section 201 (a) of the Civil Rights Act of 1964 (42 U.S.C. 2000a (a) ) is amended to read as follows:

"Sec. 201. (a) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color,
religion, sex, marital status, sexual orientation, or national origin.”

(b) Section 202 of such Act (42 U.S.C. 2000a-1) is amended to read as follows:

“SEC. 202. All persons shall be entitled to be free, at any establishment or place, from discrimination or segregation of any kind on the ground of race, color, religion, sex, marital status, sexual orientation, or national origin, if such discrimination or segregation is or purports to be required by any State law, statute, ordinance, regulation, rule, or order of a State or any agency or political subdivision thereof.”

PUBLIC FACILITIES

SEC. 3. Section 301 (a) of the Civil Rights Act of 1964 (42 U.S.C. 2000b (a)) is amended to read as follows:

“SEC. 301. (a) Whenever the Attorney General receives a complaint in writing signed by an individual to the effect that he or she is being deprived of or threatened with the loss of his or her right to the equal protection of the laws, on account of his or her race, color, religion, sex, marital status, sexual orientation, or national origin, by being denied equal utilization of any public facility which is owned, operated, or managed by or on behalf of any State or subdivision thereof, other than a public school or public college as defined in section 401 of title IV hereof, and the Attor-
ney General believes the complaint is meritorious and certifies that the signer or signers of such complaint are unable, in his judgment, to initiate and maintain appropriate legal proceedings for relief and that the institution of an action will materially further the orderly progress of desegregation in public facilities, the Attorney General is authorized to institute for or in the name of the United States a civil action in any appropriate district court of the United States against such parties and for such relief as may be appropriate, and such court shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section. The Attorney General may implead as defendants such additional parties as are or become necessary to the grant of effective relief hereunder.”

PUBLIC EDUCATION

Sec. 4. Sections 401 (b), 407 (a) (2), and 410 of the Civil Rights Act of 1964 (42 U.S.C. 2000c-6 (a) (2), 2000c-9) are each amended by inserting after “sex,” the words “marital status, sexual orientation,”.

FEDERALLY ASSISTED PROGRAMS

Sec. 5. Section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d) is amended to read as follows:

“Sec. 601. No person shall, on the ground of race, color, sex, marital status, sexual orientation, or national
origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

SEC. 6. (a) Sections 703(a), 703(b), 703(c), 703(d), 703(e), 703(j), 704(b), 706(g), 717(a), and 717(c) are amended by adding after the word "sex" each time it appears the words ", marital status, sexual orientation".

(b) Section 703(h) of such Act is amended by adding after the word "sex" the first two times it appears the words ", marital status, sexual orientation".

INTERVENTION AND PROCEDURE

SEC. 7. Section 902 of the Civil Rights Act of 1964 (42 U.S.C 2000h-2) is amended to read as follows:

"Sec. 902. Whenever an action has been commenced in any court of the United States seeking relief from the denial of equal protection of the laws under the fourteenth amendment to the Constitution on account of race, color, religion, sex, marital status, sexual orientation, or national origin, the Attorney General for or in the name of the United States may intervene in such action upon timely application if the Attorney General certifies that the case is of general public importance. In such action the United States shall be entitled to the same relief as if it had instituted the action."
Section 8. (a) Section 804 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes", approved April 11, 1968 (42 U.S.C. 3604), is amended to read as follows:

"Sec. 804. As made applicable by section 803 of this title and except as exempted by sections 803 (b) and 807 of this title, it shall be unlawful—

"(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, marital status, sexual orientation, or national origin.

"(b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, marital status, sexual orientation, or national origin.

"(c) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, marital status, sexual orientation, or na-
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tional origin, or an intention to make any such preference, limitation, or discrimination.

“(d) To represent to any person because of race, color, religion, sex, marital status, sexual orientation, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

“(e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, marital status, sexual orientation, or national origin.”

(b) Section 805 of such Act (42 U.S.C. 3605) is amended to read as follows:

“Sec. 805. After December 31, 1968, it shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm, or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him or her in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, sex, marital status, sexual orientation, or national origin of such person or
of any person associated with him or her in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given: Provided, That nothing contained in this section shall impair the scope or effectiveness of the exception contained in section 803 (b) of this title."

(c) Section 806 of such Act (42 U.S.C. 3606) is amended to read as follows:

"Sec. 806. After December 31, 1968, it shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him or her in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, marital status, sexual orientation, or national origin."

PREVENTION OF INTIMIDATION

Sec. 9. Section 901 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes", approved April 11, 1968 (42 U.S.C. 3631), is amended to read as follows:
“SEC. 901. Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with—

“(a) any person because of his or her race, color, religion, sex, marital status, sexual orientation, or national origin and because he or she is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing, or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

“(b) any person because he or she is or has been, or in order to intimidate such person or any other person or any class of persons from—

“(1) participating, without discrimination on account of race, color, religion, sex, marital status, sexual orientation, or national origin, in any of the activities, services, organizations, or facilities described in subsection (a) of this section; or

“(2) affording another person or class of persons opportunity or protection so to participate; or

“(c) any citizen because he or she is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons
to participate, without discrimination on account of race, color, religion, sex, marital status, sexual orientation, or national origin in any of the activities, services, organizations, or facilities described in subsection (a) of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity so to participate—

shall be fined not more than $1,000, or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than $10,000, or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.”

Sec. 10. Section 901 (a) of the Educational Amendments of 1972 (Public Law 92-318) is amended by adding after the word “, sex” the first time it appears the words “, marital status, or sexual orientation”.

Sec. 11. As used in this Act, the term “sexual orientation” means choice of sexual partner according to gender.
A BILL

To prohibit discrimination on the basis of sex, marital status, and sexual orientation, and for other purposes.

Referred to the Committee on the Judiciary

H. R. 14752

MAY 14, 1974

By Ms. Anezog