

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 288

To amend the Civil Rights Act of 1964 and the Fair Housing Act to prohibit discrimination on the basis of affectional or sexual orientation, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 2005

Mr. TOWNS introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Civil Rights Act of 1964 and the Fair Housing Act to prohibit discrimination on the basis of affectional or sexual orientation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Civil Rights Amend-  
5 ments Act of 2005”.

6 **SEC. 2. AMENDMENTS TO CIVIL RIGHTS ACT OF 1964.**

7 (a) PUBLIC ACCOMMODATIONS.—(1) Section 201(a)  
8 of the Civil Rights Act of 1964 (42 U.S.C. 2000a(a)) is

1 amended by striking “religion,” and inserting “religion,  
2 affectional or sexual orientation,”.

3 (2) Section 202 of such Act (42 U.S.C. 2000a–1) is  
4 amended by striking “religion,” and inserting “religion,  
5 affectional or sexual orientation.”.

6 (b) PUBLIC FACILITIES.—Section 301(a) of such Act  
7 (42 U.S.C. 2000b(a)) is amended by striking “religion,”  
8 and inserting “religion, affectional or sexual orientation,”.

9 (c) FEDERALLY ASSISTED PROGRAMS.—Section 601  
10 of such Act (42 U.S.C. 2000d) is amended by striking  
11 “color,” and inserting “color, affectional or sexual orienta-  
12 tion,”.

13 (d) EQUAL EMPLOYMENT OPPORTUNITIES.—(1) Sec-  
14 tions 703(a), 703(b), 703(c), 703(d), 703(e), 703(h),  
15 703(j), 704(b), 706(g), and 717(a) of such Act (42 U.S.C.  
16 2000e–2(a), 2000e–2(b), 2000e–2(c), 2000e–2(d), 2000e–  
17 (e), 2000e–2(h), 2000e–2(j), 2000e–3(b), 2000e–5(g),  
18 and 2000e–16(a)) are amended by striking “sex,” each  
19 place it appears and inserting “sex, affectional or sexual  
20 orientation,”.

21 (2) Section 717(c) of such Act (42 U.S.C. 2000e–  
22 16(c)) is amended by striking “sex” and inserting “sex,  
23 affectional or sexual orientation,”.

24 (3) Section 703(h) of such Act (42 U.S.C. 2000e–  
25 2(h)) is amended by striking “sex” the first place it ap-

1 pears and inserting “sex, affectional or sexual orienta-  
2 tion,”.

3 (4) The heading of section 703 of such Act is amend-  
4 ed by striking “sex,” and inserting “sex, affectional or sex-  
5 ual orientation,”.

6 (e) INTERVENTION BY ATTORNEY GENERAL IN CIVIL  
7 RIGHTS CASES.—Section 902 of such Act (42 U.S.C.  
8 2000h–2) is amended by striking “sex” and inserting  
9 “sex, affectional or sexual orientation,”.

10 (f) DEFINITION; RULES OF INTERPRETATION.—Title  
11 XI of such Act (42 U.S.C. 2000h et seq.) is amended by  
12 adding at the end the following new section:

13 “AFFECTIONAL OR SEXUAL ORIENTATION  
14 “SEC. 1107. (a) DEFINITION.—For purposes of titles  
15 II, III, VI, VII, and IX of this Act, the term ‘affectional  
16 or sexual orientation’ means male or female homosex-  
17 uality, heterosexuality, and bisexuality by orientation or  
18 practice, by and between consenting adults.

19 “(c) RULES OF INTERPRETATION.—(1) Nothing in  
20 this Act shall be construed to permit or require—

21 “(A) that a finding of discrimination on  
22 the basis of affectional or sexual orientation be  
23 based on any statistical differences in the inci-  
24 dence of persons of a particular affectional or  
25 sexual orientation in the general population as

1           opposed to the incidence of such persons in the  
2           activity concerned; or

3                   “(B) the use of any quota as a remedy for  
4           discrimination on the basis of affectional or sex-  
5           ual orientation.

6                   “(2) Nothing in this Act shall be construed to  
7           require any person to disclose a personal affectional  
8           or sexual orientation.”.

9   **SEC. 3. AMENDMENTS TO FAIR HOUSING ACT.**

10       (a) HOUSING SALE AND RENTAL, RESIDENTIAL  
11 REAL-ESTATE-RELATED TRANSACTIONS, AND BROKER-  
12 AGE SERVICES.—(1) Section 804 of the Civil Rights Act  
13 of 1968 (42 U.S.C. 3604) is amended by striking “reli-  
14 gion,” each place it appears and inserting “religion, affec-  
15 tional and sexual orientation (as such term is defined in  
16 section 802(p)),”.

17       (2) Section 805 of such Act (42 U.S.C. 3605) is  
18 amended by striking “religion,” each place it appears and  
19 inserting “religion, affectional or sexual orientation (as  
20 such term is defined in section 802(p)),”.

21       (3) Section 806 of such Act (42 U.S.C. 3606) is  
22 amended by striking “religion,” and inserting “religion,  
23 affectional or sexual orientation (as such term is defined  
24 in section 802(p)),”.

1 (b) PREVENTION OF INTIMIDATION.—Section 901 of  
2 the Civil Rights Act of 1968 (42 U.S.C. 3631) is amended  
3 by striking “religion,” each place it appears and inserting  
4 “religion, affectional or sexual orientation (as such term  
5 is defined in section 802(p)),”.

6 (c) DEFINITION.—Section 802 of the Civil Rights Act  
7 of 1968 (42 U.S.C. 3602) is amended by adding at the  
8 end the following new subsection:

9 “(p) ‘Affectional or sexual orientation’ means male  
10 or female homosexuality, heterosexuality, and bisexuality  
11 by orientation or practice, by and between consenting  
12 adults.”.

13 (d) RULES OF INTERPRETATION.—(1) Title VIII of  
14 the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.) is  
15 amended by adding at the end the following new section:

16 “RULES OF INTERPRETATION REGARDING AFFECTIONAL  
17 OR SEXUAL ORIENTATION

18 “SEC. 821. (a) FINDINGS OF DISCRIMINATION;  
19 QUOTAS.—Nothing in this Act shall be construed to per-  
20 mit or require—

21 “(1) that a finding of discrimination on the  
22 basis of affectional or sexual orientation be based on  
23 any statistical differences in the incidence of persons  
24 of a particular affectional or sexual orientation in  
25 the general population as opposed to the incidence of  
26 such persons in the activity concerned; or

1           “(2) the use of any quota as a remedy for dis-  
2           crimination on the basis of affectional or sexual ori-  
3           entation.

4           “(b) PROTECTION OF PRIVACY RIGHTS.—Nothing in  
5 this Act shall be construed to require any person to dis-  
6 close a personal affectional or sexual orientation.”.

7           (2) Title IX of such Act (42 U.S.C. 3631 et  
8           seq.) is amended by adding at the end the following  
9           new section:

10          “APPLICATION OF RULES OF INTERPRETATION

11          REGARDING AFFECTIONAL OR SEXUAL ORIENTATION

12          “SEC. 902. The provisions of this title are subject to  
13 the rules of interpretation described in section 821 of this  
14 Act.”.

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