

103^D CONGRESS
1ST SESSION

H. R. 2867

To amend title VII of the Civil Rights Act of 1964 with respect to establishing an unlawful employment practice based on disparate treatment.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 4, 1993

Mr. HASTINGS introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend title VII of the Civil Rights Act of 1964 with respect to establishing an unlawful employment practice based on disparate treatment.

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 “Disparate Treatment
5 Employment Discrimination Amendment of 1993”.

6 **SEC. 2. AMENDMENT.**

7 Section 706 of the Civil Rights Act of 1964 (42
8 U.S.C. 2000e-5) is amended by adding at the end the fol-
9 lowing:

1 “(l)(1) An unlawful employment practice based on
2 disparate treatment is established if—

3 “(A) the complaining party, by a preponderance
4 of the evidence, proves a prima facie case that the
5 respondent engaged in conduct that constitutes un-
6 lawful disparate treatment based on race, color, reli-
7 gion, sex, or national origin; and

8 “(B) either—

9 “(i) the respondent fails to produce any
10 evidence to rebut such case; or

11 “(ii)(I) the respondent clearly articulates,
12 and produces evidence of, one or more legiti-
13 mate, nondiscriminatory reasons for the con-
14 duct alleged to be the unlawful disparate treat-
15 ment; and

16 “(II) the complaining party demonstrates
17 that each of such reasons is not true, but a pre-
18 text for discrimination that is the unlawful dis-
19 parate practice.

20 “(2) Paragraph (1) shall not be construed to specify
21 the only method by which an unlawful employment prac-
22 tice based on disparate treatment may be established.”.

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