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1ST SESSION

# H. R. 2015

To prohibit employment discrimination on the basis of sexual orientation  
or gender identity.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 24, 2007

Mr. FRANK of Massachusetts (for himself, Ms. PRYCE of Ohio, Ms. BALDWIN, Mr. SHAYS, Mr. CROWLEY, Ms. KILPATRICK, Mrs. CAPPS, Mr. WYNN, Mr. CLAY, Mrs. MALONEY of New York, Mr. ACKERMAN, Mr. HONDA, Mr. PALLONE, Mr. LANGEVIN, Mr. PASTOR, Mr. WAXMAN, Ms. LINDA T. SÁNCHEZ of California, Mr. GONZALEZ, Mr. MEEHAN, Mr. ALLEN, Mr. FARR, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. EMANUEL, Mr. HINOJOSA, Mr. MORAN of Virginia, Mr. MOORE of Kansas, Mr. ABERCROMBIE, Mr. LEVIN, Mr. JOHNSON of Georgia, Mr. DOYLE, Ms. ZOE LOFGREN of California, Mr. CUMMINGS, Mr. LOEBSACK, Mr. DINGELL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BERMAN, Mr. WEXLER, Mr. RANGEL, Ms. JACKSON-LEE of Texas, Mr. SCHIFF, Mr. WU, Mr. VAN HOLLEN, Ms. ROS-LEHTINEN, Mr. CLEAVER, Mr. DOGGETT, Mr. HINCHEY, Ms. HIRONO, Mr. MATHESON, Mr. ANDREWS, Mr. PASCRELL, Mr. HOLT, Mr. HASTINGS of Florida, Mr. FILNER, Mr. MICHAUD, Mr. NADLER, Mr. MCGOVERN, Mr. CAPUANO, Mr. ENGEL, Mr. DELAHUNT, Mr. MARKEY, Mr. OLVER, Mr. NEAL of Massachusetts, Mr. DEFazio, Ms. NORTON, Mr. SIRES, Mr. ELLISON, and Mrs. DAVIS of California) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committees on House Administration, Oversight and Government Reform, and Judiciary, 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 prohibit employment discrimination on the basis of sexual  
orientation or gender identity.

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 “Employment Non-Dis-  
5 crimination Act of 2007”.

6 **SEC. 2. PURPOSES.**

7        The purposes of this Act are—

8            (1) to provide a comprehensive Federal prohibi-  
9            tion of employment discrimination on the basis of  
10           sexual orientation or gender identity;

11           (2) to provide meaningful and effective rem-  
12           edies for employment discrimination on the basis of  
13           sexual orientation or gender identity; and

14           (3) to invoke congressional powers, including  
15           the powers to enforce the 14th amendment to the  
16           Constitution, and to regulate interstate commerce  
17           and provide for the general welfare pursuant to sec-  
18           tion 8 of article I of the Constitution, in order to  
19           prohibit employment discrimination on the basis of  
20           sexual orientation or gender identity.

21 **SEC. 3. DEFINITIONS.**

22        (a) IN GENERAL.—In this Act:

23            (1) COMMISSION.—The term “Commission”  
24            means the Equal Employment Opportunity Commis-  
25            sion.

1           (2) COVERED ENTITY.—The term “covered en-  
2           tity” means an employer, employment agency, labor  
3           organization, or joint labor-management committee.

4           (3) EMPLOYEE.—

5           (A) IN GENERAL.—the term “employee”  
6           means—

7           (i) an employee as defined in section  
8           701(f) of the Civil Rights Act of 1964 (42  
9           U.S.C. 2000e(f);

10          (ii) a Presidential appointee or State  
11          employee to which section 302(a)(1) of the  
12          Government Employee Rights Act of 1991  
13          (42 U.S.C. 2000e–16(a)(1) applies;

14          (iii) a covered employee, as defined in  
15          section 101 of the Congressional Account-  
16          ability Act of 1995 (2 U.S.C. 1301) or sec-  
17          tion 411(c) of title 3, United States Code;  
18          or

19          (iv) an employee or applicant to which  
20          section 717(a) of the Civil Rights Act of  
21          1964 (42 U.S.C. 2000e–16(a)) applies.

22          (B) EXCEPTION.—The provisions of this  
23          Act that apply to an employee or individual  
24          shall not apply to a volunteer who receives no  
25          compensation.

1           (4) EMPLOYER.—The term “employer”  
2 means—

3           (A) a person engaged in an industry affect-  
4 ing commerce (as defined in section (701)(h) of  
5 the Civil Rights Act of 1964 (42 U.S.C.  
6 2000e(h)) who has 15 or more employees (as  
7 defined in subparagraphs (A)(i) and (B) of  
8 paragraph (3)) for each working day in each of  
9 20 or more calendar weeks in the current or  
10 preceding calendar year, and any agent of such  
11 a person, but does not include a bona fide pri-  
12 vate membership club (other than a labor orga-  
13 nization) that is exempt from taxation under  
14 section 501(e) of the Internal Revenue Code of  
15 1986;

16           (B) an employing authority to which sec-  
17 tion 302(a)(1) of the Government Employee  
18 Rights Act of 1991 applies;

19           (C) an employing office, as defined in sec-  
20 tion 101 of the Congressional Accountability  
21 Act of 1995 or section 411(c) of title 3, United  
22 States Code, or; and

23           (D) an entity to which section 717(a) of  
24 the Civil Rights Act of 1964 applies.

1           (5) EMPLOYMENT AGENCY.—The term “em-  
2           ployment agency” has the meaning given the term in  
3           section 701(c) of the Civil Rights Act of 1964 (42  
4           U.S.C. 2000e(c))

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

10          (7) LABOR ORGANIZATION.—The term “labor  
11          organization” has the meaning given the term in  
12          section 701(d) of the Civil Rights Act of 1964 (42  
13          U.S.C. 2000e(d)).

14          (8) PERSON.—The term “person” has the  
15          meaning given the term in section 701(a) of the  
16          Civil Rights Act of 1964 (42 U.S.C. 2000e(a)).

17          (9) SEXUAL ORIENTATION.—The term “sexual  
18          orientation” means homosexuality, heterosexuality,  
19          or bisexuality.

20          (10) STATE.—The term “State” has the mean-  
21          ing given the term in section 701(i) of the Civil  
22          Rights Act of 1964 (42 U.S.C. 2000e(i)).

23          (b) APPLICATION OF DEFINITIONS.—For purposes of  
24          this section, a reference in section 701 of the Civil Rights  
25          Act of 1964—

1           (1) to an employee or an employer shall be con-  
2           sidered to refer to an employee (as defined in para-  
3           graph (3)) or an employer (as defined in paragraph  
4           (4)), respectively, except as provided in paragraph  
5           (2) below; and

6           (2) to an employer in subsection (f) of that sec-  
7           tion shall be considered to refer to an employer (as  
8           defined in paragraph (4)(A)).

9   **SEC. 4. EMPLOYMENT DISCRIMINATION PROHIBITED.**

10       (a) **EMPLOYER PRACTICES.**—It shall be an unlawful  
11       employment practice for an employer—

12           (1) to fail or refuse to hire or to discharge any  
13           individual, or otherwise discriminate against any in-  
14           dividual with respect to the compensation, terms,  
15           conditions, or privileges of employment of the indi-  
16           vidual, because of such individual’s actual or per-  
17           ceived sexual orientation or gender identity; or

18           (2) to limit, segregate, or classify the employees  
19           or applicants for employment of the employer in any  
20           way that would deprive or tend to deprive any indi-  
21           vidual of employment or otherwise adversely affect  
22           the status of the individual as an employee, because  
23           of such individual’s actual or perceived sexual ori-  
24           entation or gender identity.

1           (b) EMPLOYMENT AGENCY PRACTICES.—It shall be  
2 an unlawful employment practice for an employment agen-  
3 cy to fail or refuse to refer for employment, or otherwise  
4 to discriminate against, any individual because of the ac-  
5 tual or perceived sexual orientation or gender identity of  
6 the individual or to classify or refer for employment any  
7 individual on the basis of the actual or perceived sexual  
8 orientation or gender identity of the individual.

9           (c) LABOR ORGANIZATION PRACTICES.—It shall be  
10 an unlawful employment practice for a labor organiza-  
11 tion—

12                 (1) to exclude or to expel from its membership,  
13 or otherwise to discriminate against, any individual  
14 because of the actual or perceived sexual orientation  
15 or gender identity of the individual;

16                 (2) to limit, segregate, or classify its member-  
17 ship or applicants for membership, or to classify or  
18 fail or refuse to refer for employment any individual,  
19 in any way that would deprive or tend to deprive any  
20 individual of employment, or would limit such em-  
21 ployment or otherwise adversely affect the status of  
22 the individual as an employee or as an applicant for  
23 employment because of such individual's actual or  
24 perceived sexual orientation or gender identity; or

1           (3) to cause or attempt to cause an employer to  
2           discriminate against an individual in violation of this  
3           section.

4           (d) TRAINING PROGRAMS.—It shall be an unlawful  
5           employment practice for any employer, labor organization,  
6           or joint labor-management committee controlling appren-  
7           ticeship or other training or retraining, including on-the-  
8           job training programs, to discriminate against any indi-  
9           vidual because of the actual or perceived sexual orientation  
10          or gender identity of the individual in admission to, or em-  
11          ployment in, any program established to provide appren-  
12          ticeship or other training.

13          (e) ASSOCIATION.—An unlawful employment practice  
14          described in any of subsections (a) through (d) shall be  
15          considered to include an action described in that sub-  
16          section, taken against an individual based on the actual  
17          or perceived sexual orientation or gender identity of a per-  
18          son with whom the individual associates or has associated.

19          (f) NO PREFERENTIAL TREATMENT OR QUOTAS.—  
20          Nothing in this Act shall be construed or interpreted to  
21          require or permit—

22                 (1) any covered entity to grant preferential  
23                 treatment to any individual or to any group because  
24                 of the actual or perceived sexual orientation or gen-  
25                 der identity of such individual or group on account

1 of an imbalance which may exist with respect to the  
2 total number or percentage of persons of any actual  
3 or perceived sexual orientation or gender identity  
4 employed by any employer, referred or classified for  
5 employment by any employment agency or labor or-  
6 ganization, admitted to membership or classified by  
7 any labor organization, or admitted to, or employed  
8 in, any apprenticeship or other training program, in  
9 comparison with the total number or percentage of  
10 persons of such actual or perceived sexual orienta-  
11 tion or gender identity in any community, State, sec-  
12 tion, or other area, or in the available work force in  
13 any community, State, section, or other area; or

14 (2) the adoption or implementation by a cov-  
15 ered entity of a quota on the basis of actual or per-  
16 ceived sexual orientation or gender identity.

17 (g) DISPARATE IMPACT.—Only disparate treatment  
18 claims may be brought under this Act.

19 **SEC. 5. RETALIATION PROHIBITED.**

20 It shall be an unlawful employment practice for a cov-  
21 ered entity to discriminate against an individual because  
22 such individual (1) opposed any practice made an unlawful  
23 employment practice by this Act; (2) opposed any practice  
24 that the individual reasonably believed is an unlawful em-  
25 ployment practice under this Act; or (3) made a charge,

1 testified, assisted, or participated in any manner in an in-  
2 vestigation, proceeding, or hearing under this Act.

3 **SEC. 6. EXEMPTION FOR RELIGIOUS ORGANIZATIONS.**

4 (a) IN GENERAL.—This Act shall not apply to any  
5 of the employment practices of a religious corporation, as-  
6 sociation, educational institution, or society which has as  
7 its primary purpose religious ritual or worship or the  
8 teaching or spreading of religious doctrine or belief.

9 (b) CERTAIN EMPLOYEES.—For any religious cor-  
10 poration, association, educational institution, or society  
11 that is not wholly exempt under subsection (a), this Act  
12 shall not apply with respect to the employment of individ-  
13 uals whose primary duties consist of teaching or spreading  
14 religious doctrine or belief, religious governance, super-  
15 vision of a religious order, supervision of persons teaching  
16 or spreading religious doctrine or belief, or supervision or  
17 participation in religious ritual or worship.

18 (c) CONFORMITY TO RELIGIOUS TENETS.—Under  
19 this Act, a religious corporation, association, educational  
20 institution, or society may require that applicants for, and  
21 employees in, similar positions conform to those religious  
22 tenets that such corporation, association, institution, or  
23 society declares significant. Under this Act, such a dec-  
24 laration by a religious corporation, association, edu-  
25 cational institution or society stating which of its religious

1 tenets are significant shall not be subject to judicial or  
2 administrative review. Any such declaration made for pur-  
3 poses of this Act shall be admissible only for proceedings  
4 under this Act.

5 **SEC. 7. NONAPPLICATION TO MEMBERS OF THE ARMED**  
6 **FORCES; VETERANS' PREFERENCES.**

7 (a) ARMED FORCES.—

8 (1) EMPLOYMENT.—In this Act, the term “em-  
9 ployment” does not apply to the relationship be-  
10 tween the United States and members of the Armed  
11 Forces.

12 (2) ARMED FORCES.—In paragraph (1) the  
13 term “Armed Forces” means the Army, Navy, Air  
14 Force, Marine Corps, and Coast Guard.

15 (b) VETERANS' PREFERENCES.—This title does not  
16 repeal or modify any Federal, State, territorial, or local  
17 law creating a special right or preference concerning em-  
18 ployment for a veteran.

19 **SEC. 8. CONSTRUCTION.**

20 (a) EMPLOYER RULES AND POLICIES.—

21 (1) IN GENERAL.—Nothing in this Act shall be  
22 construed to prohibit a covered entity from enforcing  
23 rules and policies that do not circumvent the pur-  
24 poses of this Act, if the rules or policies are designed  
25 for, and uniformly applied to, all individuals regard-

1 less of actual or perceived sexual orientation or gen-  
2 der identity.

3 (2) SEXUAL HARASSMENT.—Nothing in this  
4 Act shall be construed to limit a covered entity from  
5 taking adverse action against an individual because  
6 of a charge of sexual harassment against that indi-  
7 vidual, provided that rules and policies on sexual  
8 harassment, including when adverse action is taken,  
9 are designed for, and uniformly applied to, all indi-  
10 viduals regardless of actual or perceived sexual ori-  
11 entation or gender identity.

12 (3) CERTAIN SHARED FACILITIES.—Nothing in  
13 this Act shall be construed to establish an unlawful  
14 employment practice based on actual or perceived  
15 gender identity due to the denial of access to shared  
16 shower or dressing facilities in which being seen fully  
17 unclothed is unavoidable, provided that the employer  
18 provides reasonable access to adequate facilities that  
19 are not inconsistent with the employee’s gender iden-  
20 tity as established with the employer at the time of  
21 employment or upon notification to the employer  
22 that the employee has undergone or is undergoing  
23 gender transition, whichever is later.

24 (4) DRESS AND GROOMING STANDARDS.—Noth-  
25 ing in this Act shall prohibit an employer from re-

1       quiring an employee, during the employee’s hours at  
2       work, to adhere to reasonable dress or grooming  
3       standards not prohibited by other provisions of Fed-  
4       eral, State, or local law, provided that the employer  
5       permits any employee who has undergone gender  
6       transition prior to the time of employment, and any  
7       employee who has notified the employer that the em-  
8       ployee has undergone or is undergoing gender tran-  
9       sition after the time of employment, to adhere to the  
10      same dress or grooming standards for the gender to  
11      which the employee has transitioned or is  
12      transitioning.

13           (5) ACTIONS CONDITIONED ON MARRIAGE.—  
14      Notwithstanding section 4(g), an unlawful employ-  
15      ment practice under section 4 shall include an action  
16      described in that section that is conditioned, in a  
17      State in which a person cannot marry a person of  
18      the same sex, either on being married or being eligi-  
19      ble to marry.

20           (b) EMPLOYEE BENEFITS.—Nothing in this Act shall  
21      be construed to require a covered entity to treat a couple  
22      who are not married, including a same-sex couple who are  
23      not married, in the same manner as the covered entity  
24      treats a married couple for purposes of employee benefits.  
25      Notwithstanding this Act or any other provision of law,

1 a State or political subdivision of a State may establish  
2 rights, remedies, or procedures for the provision of em-  
3 ployee benefits to an individual for the benefit of the do-  
4 mestic partner of such individual.

5 **SEC. 9. COLLECTION OF STATISTICS PROHIBITED.**

6 The Commission shall not collect statistics on actual  
7 or perceived sexual orientation or gender identity from  
8 covered entities, or compel the collection of such statistics  
9 by covered entities.

10 **SEC. 10. ENFORCEMENT.**

11 (a) **ENFORCEMENT POWERS.**—With respect to the  
12 administration and enforcement of this Act in the case of  
13 a claim alleged by an individual for a violation of this  
14 Act—

15 (1) the Commission shall have the same powers  
16 as the Commission has to administer and enforce—

17 (A) title VII of the Civil Rights Act of  
18 1964 (42 U.S.C. 2000e et seq.); or

19 (B) sections 302 and 304 of the Govern-  
20 ment Employee Rights Act of 1991 (42 U.S.C.  
21 2000e–16b and 2000e–16c),

22 in the case of a claim alleged by such individual for  
23 a violation of such title, or of section 302(a)(1) of  
24 the Government Employee Rights Act of 1991 (42  
25 U.S.C. 2000e–16b(a)(1)), respectively;

1           (2) the Librarian of Congress shall have the  
2 same powers as the Librarian of Congress has to ad-  
3 minister and enforce title VII of the Civil Rights Act  
4 of 1964 (42 U.S.C. 2000e et seq.) in the case of a  
5 claim alleged by such individual for a violation of  
6 such title;

7           (3) the Board (as defined in section 101 of the  
8 Congressional Accountability Act of 1995 (2 U.S.C.  
9 1301)) shall have the same powers as the Board has  
10 to administer and enforce the Congressional Ac-  
11 countability Act of 1995 (2 U.S.C. 1301 et seq.) in  
12 the case of a claim alleged by such individual for a  
13 violation of section 201(a)(1) of such Act (2 U.S.C.  
14 1311(a)(1));

15           (4) the Attorney General shall have the same  
16 powers as the Attorney General has to administer  
17 and enforce—

18                   (A) title VII of the Civil Rights Act of  
19 1964 (42 U.S.C. 2000e et seq.); or

20                   (B) sections 302 and 304 of the Govern-  
21 ment Employee Rights Act of 1991 (42 U.S.C.  
22 2000e–16b and 2000e–16c);

23 in the case of a claim alleged by such individual for  
24 a violation of such title, or of section 302(a)(1) of

1 the Government Employee Rights Act of 1991 (42  
2 U.S.C. 2000e–16b(a)(1)), respectively;

3 (5) the President, the Commission, and the  
4 Merit Systems Protection Board shall have the same  
5 powers as the President, the Commission, and the  
6 Board, respectively, have to administer and enforce  
7 chapter 5 of title 3, United States Code, in the case  
8 of a claim alleged by such individual for a violation  
9 of section 411 of such title;

10 (6) a court of the United States shall have the  
11 same jurisdiction and powers as the court has to en-  
12 force—

13 (A) title VII of the Civil Rights Act of  
14 1964 (42 U.S.C. 2000e et seq.) in the case of  
15 a claim alleged by such individual for a viola-  
16 tion of such title;

17 (B) sections 302 and 304 of the Govern-  
18 ment Employee Rights Act of 1991 (42 U.S.C.  
19 2000e–16b and 2000e–16c) in the case of a  
20 claim alleged by such individual for a violation  
21 of section 302(a)(1) of such Act (42 U.S.C.  
22 2000e–16b(a)(1));

23 (C) the Congressional Accountability Act  
24 of 1995 (2 U.S.C. 1301 et seq.) in the case of  
25 a claim alleged by such individual for a viola-

1           tion of section 201(a)(1) of such Act (2 U.S.C.  
2           1311(a)(1)); and

3                   (D) chapter 5 of title 3, United States  
4           Code, in the case of a claim alleged by such in-  
5           dividual for a violation of section 411 of such  
6           title.

7           (b) PROCEDURES AND REMEDIES.—The procedures  
8           and remedies applicable to a claim alleged by an individual  
9           for a violation of this Act are—

10                   (1) the procedures and remedies applicable for  
11           a violation of title VII of the Civil Rights Act of  
12           1964 (42 U.S.C. 2000e et seq.) in the case of a  
13           claim alleged by such individual for a violation of  
14           such title;

15                   (2) the procedures and remedies applicable for  
16           a violation of section 302(a)(1) of the Government  
17           Employee Rights Act of 1991 (2 U.S.C. 1202(a)(1))  
18           in the case of a claim alleged by such individual for  
19           a violation of such section;

20                   (3) the procedures and remedies applicable for  
21           a violation of section 201(a)(1) of the Congressional  
22           Accountability Act of 1995 (2 U.S.C. 1311(a)(1)) in  
23           the case of a claim alleged by such individual for a  
24           violation of such section; and

1           (4) the procedures and remedies applicable for  
2           a violation of section 411 of title 3, United States  
3           Code, in the case of a claim alleged by such indi-  
4           vidual for a violation of such section.

5           (c) OTHER APPLICABLE PROVISIONS.—With respect  
6           to a claim alleged by a covered employee (as defined in  
7           section 101 of the Congressional Accountability Act of  
8           1995 (2 U.S.C. 1301)) for a violation of this Act, title  
9           III of the Congressional Accountability Act of 1995 (2  
10          U.S.C. 1381 et seq.) shall apply in the same manner as  
11          such title applies with respect to a claim alleged by such  
12          a covered employee for a violation of section 201(a)(1) of  
13          such Act (2 U.S.C. 1311(a)(1)).

14       **SEC. 11. STATE AND FEDERAL IMMUNITY.**

15          (a) STATE IMMUNITY.—A State shall not be immune  
16          under the 11th amendment to the Constitution from a suit  
17          described in subsection (b) and brought in a Federal court  
18          of competent jurisdiction for a violation of this Act.

19          (b) REMEDIES FOR STATE EMPLOYEES.—

20                  (1) IN GENERAL.—

21                          (A) WAIVER.—A State's receipt or use of  
22                          Federal financial assistance for any program or  
23                          activity of a State shall constitute a waiver of  
24                          sovereign immunity, under the 11th amendment  
25                          to the Constitution or otherwise, to a suit

1 brought by an employee or applicant for em-  
2 ployment of that program or activity under this  
3 Act for a remedy authorized under subsection  
4 (c).

5 (B) DEFINITION.—In this paragraph, the  
6 term “program or activity” has the meaning  
7 given the term in section 606 of the Civil  
8 Rights Act of 1964 (42 U.S.C. 2000d–4a).

9 (2) OFFICIALS.—An official of a State may be  
10 sued in the official capacity of the official by any  
11 employee or applicant for employment who has com-  
12 plied with the applicable procedures of section 10,  
13 for equitable relief that is authorized under this Act.  
14 In such a suit the court may award to the prevailing  
15 party those costs authorized by section 722 of the  
16 Revised Statutes of the United States (42 U.S.C.  
17 1988).

18 (3) EFFECTIVE DATE.—With respect to a par-  
19 ticular program or activity, paragraphs (1) and (2)  
20 apply to conduct occurring on or after the day, after  
21 the date of enactment of this Act, on which a State  
22 first receives or uses Federal financial assistance for  
23 that program or activity.

24 (c) REMEDIES AGAINST THE UNITED STATES AND  
25 THE STATES.—Notwithstanding any other provision of

1 this Act, in an action or administrative proceeding against  
2 the United States or a State for a violation of this Act,  
3 remedies (including remedies at law and in equity, and  
4 interest) are available for the violation to the same extent  
5 as the remedies are available for a violation of title VII  
6 of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.)  
7 by a private entity, except that—

- 8 (1) punitive damages are not available; and
- 9 (2) compensatory damages are available to the  
10 extent specified in section 1977A(b) of the Revised  
11 Statutes (42 U.S.C. 1981a(b)).

12 **SEC. 12. ATTORNEYS' FEES.**

13 Notwithstanding any other provision of this Act, in  
14 an action or administrative proceeding for a violation of  
15 this Act, an entity described in section 10(a) (other than  
16 paragraph (4) of such section), in the discretion of the  
17 entity, may allow the prevailing party, other than the  
18 Commission or the United States, a reasonable attorney's  
19 fee (including expert fees) as part of the costs. The Com-  
20 mission and the United States shall be liable for the costs  
21 to the same extent as a private person.

22 **SEC. 13. POSTING NOTICES.**

23 A covered entity who is required to post notices de-  
24 scribed in section 711 of the Civil Rights Act of 1964 (42  
25 U.S.C. 2000e–10) shall post notices for employees, appli-

1 cants for employment, and members, to whom the provi-  
2 sions specified in section 10(b) apply, that describe the  
3 applicable provisions of this Act in the manner prescribed  
4 by, and subject to the penalty provided under, section 711  
5 of the Civil Rights Act of 1964.

6 **SEC. 14. REGULATIONS.**

7 (a) IN GENERAL.—Except as provided in subsections  
8 (b), (c), and (d), the Commission shall have authority to  
9 issue regulations to carry out this Act.

10 (b) LIBRARIAN OF CONGRESS.—The Librarian of  
11 Congress shall have authority to issue regulations to carry  
12 out this Act with respect to employees and applicants for  
13 employment of the Library of Congress.

14 (c) BOARD.—The Board referred to in section  
15 10(a)(3) shall have authority to issue regulations to carry  
16 out this Act, in accordance with section 304 of the Con-  
17 gressional Accountability Act of 1995 (2 U.S.C. 1384),  
18 with respect to covered employees, as defined in section  
19 101 of such Act (2 U.S.C. 1301).

20 (d) PRESIDENT.—The President shall have authority  
21 to issue regulations to carry out this Act with respect to  
22 covered employees, as defined in section 411(c) of title 3,  
23 United States Code.

1 **SEC. 15. RELATIONSHIP TO OTHER LAWS.**

2       This Act shall not invalidate or limit the rights, rem-  
3 edies, or procedures available to an individual claiming  
4 discrimination prohibited under any other Federal law or  
5 regulation or any law or regulation of a State or political  
6 subdivision of a State.

7 **SEC. 16. SEVERABILITY.**

8       If any provision of this Act, or the application of the  
9 provision to any person or circumstance, is held to be in-  
10 valid, the remainder of this Act and the application of the  
11 provision to any other person or circumstances shall not  
12 be affected by the invalidity.

13 **SEC. 17. EFFECTIVE DATE.**

14       This Act shall take effect 60 days after the date of  
15 the enactment of this Act and shall not apply to conduct  
16 occurring before the effective date.

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