

118TH CONGRESS
2D SESSION

S. 4597

To provide relief for employees of the Federal Deposit Insurance Corporation who were subjected to discrimination, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 20, 2024

Mr. KENNEDY (for himself, Mr. CRAMER, Mr. DAINES, and Ms. ERNST) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide relief for employees of the Federal Deposit Insurance Corporation who were subjected to discrimination, 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 “FDIC Discrimination
5 Relief Act of 2024”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **APPLICABLE TIME PERIOD.**—The term “ap-
9 plicable time period” means—

1 (A) with respect to covered laws described
2 in subparagraphs (A) through (D) of paragraph
3 (3), the period beginning January 1, 2015, and
4 ending December 31, 2023; and

5 (B) with respect to the Pregnant Workers
6 Fairness Act (42 U.S.C. 2000gg et seq.), the
7 period beginning on the effective date of that
8 Act and ending on December 31, 2023.

9 (2) COVERED EMPLOYEE.—The term “covered
10 employee” means an individual employed at the Fed-
11 eral Deposit Insurance Corporation for not less than
12 30 days during the period beginning January 1,
13 2015, and ending December 31, 2023.

14 (3) COVERED LAW.—The term “covered law”
15 means:

16 (A) Section 717 of the Civil Rights Act of
17 1964 (42 U.S.C. 2000e–16).

18 (B) Section 15 of the Age Discrimination
19 in Employment Act of 1967 (29 U.S.C. 633a).

20 (C) Section 501 of the Rehabilitation Act
21 of 1973 (29 U.S.C. 791).

22 (D) Title II of the Genetic Information
23 Nondiscrimination Act of 2008 (42 U.S.C.
24 2000ff et seq.).

1 (E) The Pregnant Workers Fairness Act
2 (42 U.S.C. 2000gg et seq.).

3 **SEC. 3. ADMINISTRATIVE REMEDIES; STATUTE OF LIMITA-**
4 **TIONS.**

5 (a) EXHAUSTION OF ADMINISTRATIVE REMEDIES
6 NOT REQUIRED.—Notwithstanding any other provision of
7 law, a covered employee shall not be required to exhaust
8 administrative remedies before bringing a civil action
9 under a covered law to obtain appropriate relief for a vio-
10 lation of a covered law that occurred during the applicable
11 time period.

12 (b) EXTENSION OF STATUTE OF LIMITATIONS.—

13 (1) CIVIL ACTION.—Notwithstanding any other
14 applicable statute of limitations for a covered law, on
15 a date that is not later than 1 year after the date
16 of enactment of this Act, a covered employee may
17 bring a civil action to obtain appropriate relief for
18 a violation of a covered law that occurred during the
19 applicable time period. Subject to subsection (a), the
20 applicable procedures and remedies for a covered law
21 shall apply.

22 (2) ADMINISTRATIVE REMEDIES.—Notwith-
23 standing any other provision of law, on a date that
24 is not later than 180 days after the date of enact-
25 ment of this Act, a covered employee may pursue ad-

1 ministrative remedies to obtain appropriate relief for
2 a violation of a covered law that occurred during the
3 applicable time period. The statute of limitations for
4 a civil action will be tolled while a covered employee
5 pursues such administrative remedies.

6 **SEC. 4. FEDERAL CIVIL ACTION RELATING TO DISCRIMINA-**
7 **TION.**

8 (a) IN GENERAL.—A covered employee may bring a
9 civil action in the United States District Court for the Dis-
10 trict of Columbia or a district court of the United States
11 of appropriate jurisdiction to obtain appropriate relief for
12 a violation of a covered law that occurred during the appli-
13 cable time period. Nothing in this section shall impair any
14 party’s right to a trial by jury.

15 (b) IMMUNITY LIMITATION.—The United States may
16 not assert any claim to immunity in an action by a covered
17 employee to obtain appropriate relief for a violation of a
18 covered law that occurred during the applicable time pe-
19 riod.

20 (c) REMEDIES AND ATTORNEY FEES.—In addition to
21 any other remedies authorized under an applicable covered
22 law, in any civil action commenced pursuant to this Act,
23 the court, in its discretion, may allow the prevailing party,
24 other than the United States, a reasonable attorney’s fee,

1 and the United States shall be liable for the foregoing the
2 same as a private individual.

3 (d) RES JUDICATA.—

4 (1) IN GENERAL.—If a covered employee
5 brought a civil action in a district court of the
6 United States for a claim of a violation of a covered
7 law, and a circumstance described in paragraph (2)
8 resulted, that decision on that claim (including any
9 relief awarded) shall be final.

10 (2) APPLICABLE CIRCUMSTANCES.—A decision
11 on a claim shall be final in accordance with para-
12 graph (1) if the claim—

13 (A) was decided on the merits;

14 (B) was litigated but dismissed for failure
15 to state a claim; or

16 (C) would be barred due to an out of court
17 settlement relating to that claim.

○