

111TH CONGRESS
1ST SESSION

H. R. 3017

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2009

Mr. FRANK of Massachusetts (for himself, Mr. GEORGE MILLER of California, Mr. CONYERS, Ms. BALDWIN, Mr. POLIS of Colorado, Mr. ANDREWS, Mr. SESTAK, Mr. BLUMENAUER, Mr. DOGGETT, Mr. NADLER of New York, Mr. CLYBURN, Mr. CARSON of Indiana, Mr. MORAN of Virginia, Ms. ROS-LEHTINEN, Mr. CASTLE, Mr. KIRK, Mr. LANCE, Mr. PLATTS, Mrs. BIGGERT, Ms. HARMAN, Mr. HASTINGS of Florida, Mrs. DAVIS of California, Mr. CAPUANO, Mr. SERRANO, Mr. MEEK of Florida, Ms. SCHAKOWSKY, Ms. DEGETTE, Ms. TSONGAS, Mr. STARK, Mr. JACKSON of Illinois, Mr. QUIGLEY, Ms. RICHARDSON, Mr. INSLEE, Mr. DOYLE, Mrs. LOWEY, Mr. VAN HOLLEN, Mr. McDERMOTT, Mr. WU, Mr. GRIJALVA, Mr. TIERNEY, Ms. NORTON, Mr. BERMAN, Mr. HONDA, Mr. SCHIFF, Ms. SHEA-PORTER, Mr. ROTHMAN of New Jersey, Mr. GONZALEZ, Mr. JOHNSON of Georgia, Mr. LEWIS of Georgia, Mr. DEFazio, Mr. LANGEVIN, Mr. FOSTER, Ms. WASSERMAN SCHULTZ, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. ROYBAL-ALLARD, Mr. WEINER, Mr. PALLONE, Mr. HOLT, Mr. FILNER, Mr. SIRES, Mr. HARE, Mr. WEXLER, Mr. MASSA, Ms. DELAURO, Mr. CLAY, Mr. BRADY of Pennsylvania, Mrs. NAPOLITANO, Mr. MURPHY of Connecticut, Mr. CLEAVER, Mrs. CAPPS, Ms. SLAUGHTER, Mr. MITCHELL, Ms. ESHOO, Mr. CARNAHAN, Mr. SCHRADER, Mr. SMITH of Washington, Ms. LINDA T. SÁNCHEZ of California, Ms. MCCOLLUM, Mr. WELCH, Mr. DINGELL, Mr. LEVIN, Mr. GUTIERREZ, Mr. ELLISON, Mr. MCGOVERN, Mr. WAXMAN, Mr. COOPER, Mr. CUMMINGS, Mr. OLVER, Mr. HIGGINS, Mr. FATTAH, Mr. ISRAEL, Ms. MATSUI, Ms. BEAN, Mr. KILDEE, Ms. SCHWARTZ, Mr. ABERCROMBIE, Ms. BERKLEY, Mr. SHERMAN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DELAHUNT, Ms. CASTOR of Florida, Mr. CROWLEY, Mr. ENGEL, Mr. PETERS, Ms. KILROY, Mrs. MCCARTHY of New York, Mrs. MALONEY, Mr. KUCINICH, Ms. LEE of California, Mr. HIMES, Ms. SPEIER, Ms. EDWARDS of Maryland, Mr. HODES, Ms. CLARKE, Mr. MOORE of Kansas, Mr. PAYNE, Mr. HEINRICH, and Ms. ZOE LOFGREN 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 the

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

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 2009”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are—

8 (1) to address the history and widespread pat-
9 tern of discrimination on the basis of sexual orienta-
10 tion or gender identity by private sector employers
11 and local, State, and Federal Government employers;

12 (2) to provide a comprehensive Federal prohibi-
13 tion of employment discrimination on the basis of
14 sexual orientation or gender identity, including
15 meaningful and effective remedies for any such dis-
16 crimination; and

17 (3) to invoke congressional powers, including
18 the powers to enforce the 14th amendment to the
19 Constitution, and to regulate interstate commerce

1 and provide for the general welfare pursuant to sec-
2 tion 8 of article I of the Constitution, in order to
3 prohibit employment discrimination on the basis of
4 sexual orientation or gender identity.

5 **SEC. 3. DEFINITIONS.**

6 (a) IN GENERAL.—In this Act:

7 (1) COMMISSION.—The term “Commission”
8 means the Equal Employment Opportunity Commis-
9 sion.

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

13 (3) EMPLOYEE.—

14 (A) IN GENERAL.—the term “employee”
15 means—

16 (i) an employee as defined in section
17 701(f) of the Civil Rights Act of 1964 (42
18 U.S.C. 2000e(f));

19 (ii) a Presidential appointee or State
20 employee to which section 302(a)(1) of the
21 Government Employee Rights Act of 1991
22 (42 U.S.C. 2000e–16(a)(1)) applies;

23 (iii) a covered employee, as defined in
24 section 101 of the Congressional Account-
25 ability Act of 1995 (2 U.S.C. 1301) or sec-

1 tion 411(c) of title 3, United States Code;
2 or

3 (iv) an employee or applicant to which
4 section 717(a) of the Civil Rights Act of
5 1964 (42 U.S.C. 2000e-16(a)) applies.

6 (B) EXCEPTION.—The provisions of this
7 Act that apply to an employee or individual
8 shall not apply to a volunteer who receives no
9 compensation.

10 (4) EMPLOYER.—The term “employer”
11 means—

12 (A) a person engaged in an industry affect-
13 ing commerce (as defined in section (701)(h) of
14 the Civil Rights Act of 1964 (42 U.S.C.
15 2000e(h)) who has 15 or more employees (as
16 defined in subparagraphs (A)(i) and (B) of
17 paragraph (3)) for each working day in each of
18 20 or more calendar weeks in the current or
19 preceding calendar year, and any agent of such
20 a person, but does not include a bona fide pri-
21 vate membership club (other than a labor orga-
22 nization) that is exempt from taxation under
23 section 501(c) of the Internal Revenue Code of
24 1986;

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

4 (C) an employing office, as defined in sec-
5 tion 101 of the Congressional Accountability
6 Act of 1995 or section 411(c) of title 3, United
7 States Code; or

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

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

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

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

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

1 (9) SEXUAL ORIENTATION.—The term “sexual
2 orientation” means homosexuality, heterosexuality,
3 or bisexuality.

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

7 (b) APPLICATION OF DEFINITIONS.—For purposes of
8 this section, a reference in section 701 of the Civil Rights
9 Act of 1964—

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

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

18 **SEC. 4. EMPLOYMENT DISCRIMINATION PROHIBITED.**

19 (a) EMPLOYER PRACTICES.—It shall be an unlawful
20 employment practice for an employer—

21 (1) to fail or refuse to hire or to discharge any
22 individual, or otherwise discriminate against any in-
23 dividual with respect to the compensation, terms,
24 conditions, or privileges of employment of the indi-

1 vidual, because of such individual's actual or per-
2 ceived sexual orientation or gender identity; or

3 (2) to limit, segregate, or classify the employees
4 or applicants for employment of the employer in any
5 way that would deprive or tend to deprive any indi-
6 vidual of employment or otherwise adversely affect
7 the status of the individual as an employee, because
8 of such individual's actual or perceived sexual ori-
9 entation or gender identity.

10 (b) EMPLOYMENT AGENCY PRACTICES.—It shall be
11 an unlawful employment practice for an employment agen-
12 cy to fail or refuse to refer for employment, or otherwise
13 to discriminate against, any individual because of the ac-
14 tual or perceived sexual orientation or gender identity of
15 the individual or to classify or refer for employment any
16 individual on the basis of the actual or perceived sexual
17 orientation or gender identity of the individual.

18 (c) LABOR ORGANIZATION PRACTICES.—It shall be
19 an unlawful employment practice for a labor organiza-
20 tion—

21 (1) to exclude or to expel from its membership,
22 or otherwise to discriminate against, any individual
23 because of the actual or perceived sexual orientation
24 or gender identity of the individual;

1 (2) to limit, segregate, or classify its member-
2 ship or applicants for membership, or to classify or
3 fail or refuse to refer for employment any individual,
4 in any way that would deprive or tend to deprive any
5 individual of employment, or would limit such em-
6 ployment or otherwise adversely affect the status of
7 the individual as an employee or as an applicant for
8 employment because of such individual's actual or
9 perceived sexual orientation or gender identity; or

10 (3) to cause or attempt to cause an employer to
11 discriminate against an individual in violation of this
12 section.

13 (d) TRAINING PROGRAMS.—It shall be an unlawful
14 employment practice for any employer, labor organization,
15 or joint labor-management committee controlling appren-
16 ticeship or other training or retraining, including on-the-
17 job training programs, to discriminate against any indi-
18 vidual because of the actual or perceived sexual orientation
19 or gender identity of the individual in admission to, or em-
20 ployment in, any program established to provide appren-
21 ticeship or other training.

22 (e) ASSOCIATION.—An unlawful employment practice
23 described in any of subsections (a) through (d) shall be
24 considered to include an action described in that sub-
25 section, taken against an individual based on the actual

1 or perceived sexual orientation or gender identity of a per-
2 son with whom the individual associates or has associated.

3 (f) NO PREFERENTIAL TREATMENT OR QUOTAS.—

4 Nothing in this Act shall be construed or interpreted to
5 require or permit—

6 (1) any covered entity to grant preferential
7 treatment to any individual or to any group because
8 of the actual or perceived sexual orientation or gen-
9 der identity of such individual or group on account
10 of an imbalance which may exist with respect to the
11 total number or percentage of persons of any actual
12 or perceived sexual orientation or gender identity
13 employed by any employer, referred or classified for
14 employment by any employment agency or labor or-
15 ganization, admitted to membership or classified by
16 any labor organization, or admitted to, or employed
17 in, any apprenticeship or other training program, in
18 comparison with the total number or percentage of
19 persons of such actual or perceived sexual orienta-
20 tion or gender identity in any community, State, sec-
21 tion, or other area, or in the available work force in
22 any community, State, section, or other area; or

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

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

3 **SEC. 5. RETALIATION PROHIBITED.**

4 It shall be an unlawful employment practice for a cov-
5 ered entity to discriminate against an individual because
6 such individual (1) opposed any practice made an unlawful
7 employment practice by this Act; or (2) made a charge,
8 testified, assisted, or participated in any manner in an in-
9 vestigation, proceeding, or hearing under this Act.

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

11 This Act shall not apply to a corporation, association,
12 educational institution, or society that is exempt from the
13 religious discrimination provisions of title VII of the Civil
14 Rights Acts of 1964 pursuant to section 702(a) or
15 703(e)(2) of such Act (42 U.S.C. 2000e–1(a); 2000e–
16 2(e)(2)).

17 **SEC. 7. NONAPPLICATION TO MEMBERS OF THE ARMED**
18 **FORCES; VETERANS' PREFERENCES.**

19 (a) ARMED FORCES.—

20 (1) EMPLOYMENT.—In this Act, the term “em-
21 ployment” does not apply to the relationship be-
22 tween the United States and members of the Armed
23 Forces.

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

4 (b) VETERANS’ PREFERENCES.—This title does not
5 repeal or modify any Federal, State, territorial, or local
6 law creating a special right or preference concerning em-
7 ployment for a veteran.

8 **SEC. 8. CONSTRUCTION.**

9 (a) EMPLOYER RULES AND POLICIES.—

10 (1) IN GENERAL.—Nothing in this Act shall be
11 construed to prohibit a covered entity from enforcing
12 rules and policies that do not intentionally cir-
13 cumvent the purposes of this Act, if the rules or
14 policies are designed for, and uniformly applied to,
15 all individuals regardless of actual or perceived sex-
16 ual orientation or gender identity.

17 (2) SEXUAL HARASSMENT.—Nothing in this
18 Act shall be construed to limit a covered entity from
19 taking adverse action against an individual because
20 of a charge of sexual harassment against that indi-
21 vidual, provided that rules and policies on sexual
22 harassment, including when adverse action is taken,
23 are designed for, and uniformly applied to, all indi-
24 viduals regardless of actual or perceived sexual ori-
25 entation or gender identity.

1 (3) CERTAIN SHARED FACILITIES.—Nothing in
2 this Act shall be construed to establish an unlawful
3 employment practice based on actual or perceived
4 gender identity due to the denial of access to shared
5 shower or dressing facilities in which being seen
6 unclothed is unavoidable, provided that the employer
7 provides reasonable access to adequate facilities that
8 are not inconsistent with the employee’s gender iden-
9 tity as established with the employer at the time of
10 employment or upon notification to the employer
11 that the employee has undergone or is undergoing
12 gender transition, whichever is later.

13 (4) ADDITIONAL FACILITIES NOT REQUIRED.—
14 Nothing in this Act shall be construed to require the
15 construction of new or additional facilities.

16 (5) DRESS AND GROOMING STANDARDS.—Noth-
17 ing in this Act shall prohibit an employer from re-
18 quiring an employee, during the employee’s hours at
19 work, to adhere to reasonable dress or grooming
20 standards not prohibited by other provisions of Fed-
21 eral, State, or local law, provided that the employer
22 permits any employee who has undergone gender
23 transition prior to the time of employment, and any
24 employee who has notified the employer that the em-
25 ployee has undergone or is undergoing gender tran-

1 sition after the time of employment, to adhere to the
2 same dress or grooming standards for the gender to
3 which the employee has transitioned or is
4 transitioning.

5 (b) EMPLOYEE BENEFITS.—Nothing in this Act shall
6 be construed to require a covered entity to treat an unmar-
7 ried couple in the same manner as the covered entity
8 treats a married couple for purposes of employee benefits.

9 (c) DEFINITION OF MARRIAGE.—As used in this Act,
10 the term “married” refers to marriage as such term is
11 defined in section 7 of title I, United States Code (referred
12 to as the Defense of Marriage Act).

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

14 The Commission shall not collect statistics on actual
15 or perceived sexual orientation or gender identity from
16 covered entities, or compel the collection of such statistics
17 by covered entities.

18 **SEC. 10. ENFORCEMENT.**

19 (a) ENFORCEMENT POWERS.—With respect to the
20 administration and enforcement of this Act in the case of
21 a claim alleged by an individual for a violation of this
22 Act—

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

1 (A) title VII of the Civil Rights Act of
2 1964 (42 U.S.C. 2000e et seq.); or

3 (B) sections 302 and 304 of the Govern-
4 ment Employee Rights Act of 1991 (42 U.S.C.
5 2000e–16b and 2000e–16c),

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

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

16 (3) the Board (as defined in section 101 of the
17 Congressional Accountability Act of 1995 (2 U.S.C.
18 1301)) shall have the same powers as the Board has
19 to administer and enforce the Congressional Ac-
20 countability Act of 1995 (2 U.S.C. 1301 et seq.) in
21 the case of a claim alleged by such individual for a
22 violation of section 201(a)(1) of such Act (2 U.S.C.
23 1311(a)(1));

1 (4) the Attorney General shall have the same
2 powers as the Attorney General has to administer
3 and enforce—

4 (A) title VII of the Civil Rights Act of
5 1964 (42 U.S.C. 2000e et seq.); or

6 (B) sections 302 and 304 of the Govern-
7 ment Employee Rights Act of 1991 (42 U.S.C.
8 2000e–16b and 2000e–16c);

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

13 (5) the President, the Commission, and the
14 Merit Systems Protection Board shall have the same
15 powers as the President, the Commission, and the
16 Board, respectively, have to administer and enforce
17 chapter 5 of title 3, United States Code, in the case
18 of a claim alleged by such individual for a violation
19 of section 411 of such title; and

20 (6) a court of the United States shall have the
21 same jurisdiction and powers as the court has to en-
22 force—

23 (A) title VII of the Civil Rights Act of
24 1964 (42 U.S.C. 2000e et seq.) in the case of

1 a claim alleged by such individual for a viola-
2 tion of such title;

3 (B) sections 302 and 304 of the Govern-
4 ment Employee Rights Act of 1991 (42 U.S.C.
5 2000e–16b and 2000e–16c) in the case of a
6 claim alleged by such individual for a violation
7 of section 302(a)(1) of such Act (42 U.S.C.
8 2000e–16b(a)(1));

9 (C) the Congressional Accountability Act
10 of 1995 (2 U.S.C. 1301 et seq.) in the case of
11 a claim alleged by such individual for a viola-
12 tion of section 201(a)(1) of such Act (2 U.S.C.
13 1311(a)(1)); and

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

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

21 (1) the procedures and remedies applicable for
22 a violation of title VII of the Civil Rights Act of
23 1964 (42 U.S.C. 2000e et seq.) in the case of a
24 claim alleged by such individual for a violation of
25 such title;

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

6 (3) the procedures and remedies applicable for
7 a violation of section 201(a)(1) of the Congressional
8 Accountability Act of 1995 (2 U.S.C. 1311(a)(1)) in
9 the case of a claim alleged by such individual for a
10 violation of such section; and

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

15 (c) OTHER APPLICABLE PROVISIONS.—With respect
16 to a claim alleged by a covered employee (as defined in
17 section 101 of the Congressional Accountability Act of
18 1995 (2 U.S.C. 1301)) for a violation of this Act, title
19 III of the Congressional Accountability Act of 1995 (2
20 U.S.C. 1381 et seq.) shall apply in the same manner as
21 such title applies with respect to a claim alleged by such
22 a covered employee for a violation of section 201(a)(1) of
23 such Act (2 U.S.C. 1311(a)(1)).

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

2 (a) **ABROGATION OF STATE IMMUNITY.**—A State
3 shall not be immune under the 11th amendment to the
4 Constitution from a suit brought in a Federal court of
5 competent jurisdiction for a violation of this Act.

6 (b) **WAIVER OF STATE IMMUNITY.**—

7 (1) **IN GENERAL.**—

8 (A) **WAIVER.**—A State’s receipt or use of
9 Federal financial assistance for any program or
10 activity of a State shall constitute a waiver of
11 sovereign immunity, under the 11th amendment
12 to the Constitution or otherwise, to a suit
13 brought by an employee or applicant for em-
14 ployment of that program or activity under this
15 Act for a remedy authorized under subsection
16 (d).

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

21 (2) **EFFECTIVE DATE.**—With respect to a par-
22 ticular program or activity, paragraph (1) applies to
23 conduct occurring on or after the day, after the date
24 of enactment of this Act, on which a State first re-
25 ceives or uses Federal financial assistance for that
26 program or activity.

1 (c) REMEDIES AGAINST STATE OFFICIALS.—An offi-
2 cial of a State may be sued in the official capacity of the
3 official by any employee or applicant for employment who
4 has complied with the applicable procedures of section 10,
5 for equitable relief that is authorized under this Act. In
6 such a suit the court may award to the prevailing party
7 those costs authorized by section 722 of the Revised Stat-
8 utes of the United States (42 U.S.C. 1988).

9 (d) REMEDIES AGAINST THE UNITED STATES AND
10 THE STATES.—Notwithstanding any other provision of
11 this Act, in an action or administrative proceeding against
12 the United States or a State for a violation of this Act,
13 remedies (including remedies at law and in equity, and
14 interest) are available for the violation to the same extent
15 as the remedies are available for a violation of title VII
16 of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.)
17 by a private entity, except that—

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

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

23 Notwithstanding any other provision of this Act, in
24 an action or administrative proceeding for a violation of
25 this Act, an entity described in section 10(a) (other than

1 paragraph (4) of such section), in the discretion of the
2 entity, may allow the prevailing party, other than the
3 Commission or the United States, a reasonable attorney's
4 fee (including expert fees) as part of the costs. The Com-
5 mission and the United States shall be liable for the costs
6 to the same extent as a private person.

7 **SEC. 13. POSTING NOTICES.**

8 A covered entity who is required to post notices de-
9 scribed in section 711 of the Civil Rights Act of 1964 (42
10 U.S.C. 2000e-10) shall post notices for employees, appli-
11 cants for employment, and members, to whom the provi-
12 sions specified in section 10(b) apply, that describe the
13 applicable provisions of this Act in the manner prescribed
14 by, and subject to the penalty provided under, section 711
15 of the Civil Rights Act of 1964.

16 **SEC. 14. REGULATIONS.**

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

20 (b) **LIBRARIAN OF CONGRESS.**—The Librarian of
21 Congress shall have authority to issue regulations to carry
22 out this Act with respect to employees and applicants for
23 employment of the Library of Congress.

24 (c) **BOARD.**—The Board referred to in section
25 10(a)(3) shall have authority to issue regulations to carry

1 out this Act, in accordance with section 304 of the Con-
2 gressional Accountability Act of 1995 (2 U.S.C. 1384),
3 with respect to covered employees, as defined in section
4 101 of such Act (2 U.S.C. 1301).

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

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

10 This Act shall not invalidate or limit the rights, rem-
11 edies, or procedures available to an individual claiming
12 discrimination prohibited under any other Federal law or
13 regulation or any law or regulation of a State or political
14 subdivision of a State.

15 **SEC. 16. SEVERABILITY.**

16 If any provision of this Act, or the application of the
17 provision to any person or circumstance, is held to be in-
18 valid, the remainder of this Act and the application of the
19 provision to any other person or circumstances shall not
20 be affected by the invalidity.

21 **SEC. 17. EFFECTIVE DATE.**

22 This Act shall take effect on the date that is 6
23 months after the date of enactment of this Act and shall
24 not apply to conduct occurring before the effective date.

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