

113TH CONGRESS  
1ST SESSION

# H. R. 1755

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

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 25, 2013

Mr. POLIS (for himself, Ms. ROS-LEHTINEN, Mr. GEORGE MILLER of California, Ms. PELOSI, Mr. HOYER, Mr. CONYERS, Mr. CICILLINE, Mr. SEAN PATRICK MALONEY of New York, Mr. POCAN, Ms. SINEMA, Mr. TAKANO, Mr. NADLER, Ms. LEE of California, Mr. HONDA, Mr. GRIJALVA, Ms. DEGETTE, Mr. ELLISON, Ms. LORETTA SANCHEZ of California, Mr. CASTRO of Texas, Mr. ANDREWS, Mr. COHEN, Ms. BASS, Mr. CONNOLLY, Mrs. BEATTY, Mr. BECERRA, Mr. COOPER, Mr. BISHOP of New York, Mr. COURTNEY, Mr. BLUMENAUER, Mr. CROWLEY, Ms. BONAMICI, Mr. CUMMINGS, Mr. BRADY of Pennsylvania, Mrs. DAVIS of California, Mr. BRALEY of Iowa, Mr. DEFazio, Mrs. CAPPS, Mr. CÁRDENAS, Mr. DELANEY, Mr. CARNEY, Ms. DELAURO, Mr. CARSON of Indiana, Ms. DELBENE, Mr. CARTWRIGHT, Mr. DEUTCH, Ms. CASTOR of Florida, Mr. DINGELL, Mr. DOGGETT, Ms. CHU, Mr. DOYLE, Ms. DUCKWORTH, Ms. CLARKE, Ms. EDWARDS, Mr. CLAY, Mr. ENGEL, Mr. FARR, Mr. FATAH, Ms. FRANKEL of Florida, Ms. FUDGE, Mr. GARCIA, Mr. AL GREEN of Texas, Mr. GUTIERREZ, Ms. HAHN, Ms. HANABUSA, Mr. HANNA, Mr. HASTINGS of Florida, Mr. HECK of Washington, Mr. HIGGINS, Mr. HIMES, Mr. HINOJOSA, Mr. HOLT, Mr. HORSFORD, Mr. HUFFMAN, Mr. ISRAEL, Ms. JACKSON LEE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mr. KEATING, Mr. KENNEDY, Mr. KILDEE, Mr. KILMER, Mr. KIND, Mrs. KIRKPATRICK, Ms. KUSTER, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mr. LEVIN, Mr. LEWIS, Mr. LOEBSACK, Ms. LOFGREN, Mr. LOWENTHAL, Mrs. LOWEY, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. BEN RAY LUJÁN of New Mexico, Mr. LYNCH, Ms. MATSUI, Mr. MAFFEI, Mrs. CAROLYN B. MALONEY of New York, Mr. MARKEY, Mr. MATHESON, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Ms. MENG, Mr. MICHAUD, Ms. MOORE, Mr. MORAN, Mr. MURPHY of Florida, Mrs. NAPOLITANO, Ms. NORTON, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Mr. PETERS of Michigan, Mr. PETERS of California, Ms. PINGREE of Maine, Mr. PRICE of North Carolina, Mr. QUIGLEY, Mr. RANGEL, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Mr. SARBANES, Ms.

SCHAKOWSKY, Mr. SCHIFF, Mr. SCHNEIDER, Mr. SCHRADER, Ms. SCHWARTZ, Mr. SCOTT of Virginia, Mr. SERRANO, Ms. SHEA-PORTER, Mr. SHERMAN, Ms. SLAUGHTER, Mr. SMITH of Washington, Ms. SPEIER, Mr. SWALWELL of California, Mr. TIERNEY, Ms. TITUS, Mr. TONKO, Ms. TSONGAS, Mr. VAN HOLLEN, Mr. VEASEY, Mr. WALZ, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Mr. WAXMAN, Mr. WELCH, Ms. WILSON of Florida, Mr. YARMUTH, Mr. CAPUANO, Mr. DENT, Mr. GRAYSON, Mr. O’ROURKE, Mr. SIRES, Mr. MCNERNEY, and Ms. BROWNLEY of California) introduced the following bill; which was referred to the Committee on Education and the Workforce, 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

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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 2013”.

6        **SEC. 2. PURPOSES.**

7        The purposes of this Act are—

8            (1) to address the history and persistent, wide-  
 9        spread pattern of discrimination, including unconsti-  
 10       tutional discrimination, on the bases of sexual ori-  
 11       entation and gender identity by private sector em-  
 12       ployers and local, State, and Federal government  
 13       employers;

1           (2) to provide an explicit, comprehensive Fed-  
2           eral prohibition against employment discrimination  
3           on the bases of sexual orientation and gender iden-  
4           tity, including meaningful and effective remedies for  
5           any such discrimination; and

6           (3) to invoke congressional powers, including  
7           the powers to enforce the 14th Amendment to the  
8           Constitution, and to regulate interstate commerce  
9           pursuant to section 8 of article I of the Constitution,  
10          in order to prohibit employment discrimination on  
11          the bases of sexual orientation and gender identity.

12 **SEC. 3. DEFINITIONS.**

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

14           (1) COMMISSION.—The term “Commission”  
15           means the Equal Employment Opportunity Commis-  
16           sion.

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

20           (3) EMPLOYEE.—

21           (A) IN GENERAL.—The term “employee”  
22           means—

23           (i) an employee as defined in section  
24           701(f) of the Civil Rights Act of 1964 (42  
25           U.S.C. 2000e(f));

1 (ii) a State employee to which section  
2 302(a)(1) of the Government Employee  
3 Rights Act of 1991 (42 U.S.C. 2000e–  
4 16b(a)(1)) applies;

5 (iii) a covered employee, as defined in  
6 section 101 of the Congressional Account-  
7 ability Act of 1995 (2 U.S.C. 1301) or sec-  
8 tion 411(c) of title 3, United States Code;  
9 or

10 (iv) an employee or applicant to which  
11 section 717(a) of the Civil Rights Act of  
12 1964 (42 U.S.C. 2000e–16(a)) applies.

13 (B) EXCEPTION.—The provisions of this  
14 Act that apply to an employee or individual  
15 shall not apply to a volunteer who receives no  
16 compensation.

17 (4) EMPLOYER.—The term “employer”  
18 means—

19 (A) a person engaged in an industry affect-  
20 ing commerce (as defined in section 701(h) of  
21 the Civil Rights Act of 1964 (42 U.S.C.  
22 2000e(h))) who has 15 or more employees (as  
23 defined in subparagraphs (A)(i) and (B) of  
24 paragraph (3)) for each working day in each of  
25 20 or more calendar weeks in the current or

1 preceding calendar year, and any agent of such  
2 a person, but does not include a bona fide pri-  
3 vate membership club (other than a labor orga-  
4 nization) that is exempt from taxation under  
5 section 501(c) of the Internal Revenue Code of  
6 1986;

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

10 (C) an employing office, as defined in sec-  
11 tion 101 of the Congressional Accountability  
12 Act of 1995 or section 411(c) of title 3, United  
13 States Code; or

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

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

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

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

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

8           (9) SEXUAL ORIENTATION.—The term “sexual  
9 orientation” means homosexuality, heterosexuality,  
10 or bisexuality.

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

14           (b) APPLICATION OF DEFINITIONS.—For purposes of  
15 this section, a reference in section 701 of the Civil Rights  
16 Act of 1964—

17           (1) to an employee or an employer shall be con-  
18 sidered to refer to an employee (as defined in sub-  
19 section (a)(3)) or an employer (as defined in sub-  
20 section (a)(4)), respectively, except as provided in  
21 paragraph (2) of this subsection; and

22           (2) to an employer in subsection (f) of that sec-  
23 tion shall be considered to refer to an employer (as  
24 defined in subsection (a)(4)(A)).

1 **SEC. 4. EMPLOYMENT DISCRIMINATION PROHIBITED.**

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

4 (1) to fail or refuse to hire or to discharge any  
5 individual, or otherwise discriminate against any in-  
6 dividual with respect to the compensation, terms,  
7 conditions, or privileges of employment of the indi-  
8 vidual, because of such individual’s actual or per-  
9 ceived sexual orientation or gender identity; or

10 (2) to limit, segregate, or classify the employees  
11 or applicants for employment of the employer in any  
12 way that would deprive or tend to deprive any indi-  
13 vidual of employment or otherwise adversely affect  
14 the status of the individual as an employee, because  
15 of such individual’s actual or perceived sexual ori-  
16 entation or gender identity.

17 (b) EMPLOYMENT AGENCY PRACTICES.—It shall be  
18 an unlawful employment practice for an employment agen-  
19 cy to fail or refuse to refer for employment, or otherwise  
20 to discriminate against, any individual because of the ac-  
21 tual or perceived sexual orientation or gender identity of  
22 the individual or to classify or refer for employment any  
23 individual on the basis of the actual or perceived sexual  
24 orientation or gender identity of the individual.

1 (c) LABOR ORGANIZATION PRACTICES.—It shall be  
2 an unlawful employment practice for a labor organiza-  
3 tion—

4 (1) to exclude or to expel from its membership,  
5 or otherwise to discriminate against, any individual  
6 because of the actual or perceived sexual orientation  
7 or gender identity of the individual;

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

17 (3) to cause or attempt to cause an employer to  
18 discriminate against an individual in violation of this  
19 section.

20 (d) TRAINING PROGRAMS.—It shall be an unlawful  
21 employment practice for any employer, labor organization,  
22 or joint labor-management committee controlling appren-  
23 ticeship or other training or retraining, including on-the-  
24 job training programs, to discriminate against any indi-  
25 vidual because of the actual or perceived sexual orientation



1 or gender identity of the individual in admission to, or em-  
2 ployment in, any program established to provide appren-  
3 ticeship or other training.

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

10 (f) NO PREFERENTIAL TREATMENT OR QUOTAS.—  
11 Nothing in this Act shall be construed or interpreted to  
12 require or permit—

13 (1) any covered entity to grant preferential  
14 treatment to any individual or to any group because  
15 of the actual or perceived sexual orientation or gen-  
16 der identity of such individual or group on account  
17 of an imbalance which may exist with respect to the  
18 total number or percentage of persons of any actual  
19 or perceived sexual orientation or gender identity  
20 employed by any employer, referred or classified for  
21 employment by any employment agency or labor or-  
22 ganization, admitted to membership or classified by  
23 any labor organization, or admitted to, or employed  
24 in, any apprenticeship or other training program, in  
25 comparison with the total number or percentage of

1 persons of such actual or perceived sexual orienta-  
2 tion or gender identity in any community, State, sec-  
3 tion, or other area, or in the available work force in  
4 any community, State, section, or other area; or

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

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

10 **SEC. 5. RETALIATION PROHIBITED.**

11 It shall be an unlawful employment practice for a cov-  
12 ered entity to discriminate against an individual because  
13 such individual—

14 (1) opposed any practice made an unlawful em-  
15 ployment practice by this Act; or

16 (2) made a charge, testified, assisted, or partici-  
17 pated in any manner in an investigation, proceeding,  
18 or hearing under this Act.

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

20 This Act shall not apply to a corporation, association,  
21 educational institution or institution of learning, or society  
22 that is exempt from the religious discrimination provisions  
23 of title VII of the Civil Rights Act of 1964 pursuant (42  
24 U.S.C. 2000e et seq.) to section 702(a) or 703(e)(2) of  
25 such Act (42 U.S.C. 2000e–1(a), 2000e–2(e)(2)).

1 **SEC. 7. NONAPPLICATION TO MEMBERS OF THE ARMED**  
2 **FORCES; VETERANS' PREFERENCES.**

3 (a) ARMED FORCES.—

4 (1) EMPLOYMENT.—In this Act, the term “em-  
5 ployment” does not apply to the relationship be-  
6 tween the United States and members of the Armed  
7 Forces.

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

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

15 **SEC. 8. CONSTRUCTION.**

16 (a) DRESS OR GROOMING STANDARDS.—Nothing in  
17 this Act shall prohibit an employer from requiring an em-  
18 ployee, during the employee's hours at work, to adhere to  
19 reasonable dress or grooming standards not prohibited by  
20 other provisions of Federal, State, or local law, provided  
21 that the employer permits any employee who has under-  
22 gone gender transition prior to the time of employment,  
23 and any employee who has notified the employer that the  
24 employee has undergone or is undergoing gender transi-  
25 tion after the time of employment, to adhere to the same

1 dress or grooming standards as apply for the gender to  
2 which the employee has transitioned or is transitioning.

3 (b) **ADDITIONAL FACILITIES NOT REQUIRED.**—

4 Nothing in this Act shall be construed to require the con-  
5 struction of new or additional facilities.

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

7 The Commission shall neither compel the collection  
8 of nor require the production of statistics on actual or per-  
9 ceived sexual orientation or gender identity from covered  
10 entities.

11 **SEC. 10. ENFORCEMENT.**

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

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

9 (3) the Board (as defined in section 101 of the  
10 Congressional Accountability Act of 1995 (2 U.S.C.  
11 1301)) shall have the same powers as the Board has  
12 to administer and enforce the Congressional Ac-  
13 countability Act of 1995 (2 U.S.C. 1301 et seq.) in  
14 the case of a claim alleged by such individual for a  
15 violation of section 201(a)(1) of such Act (2 U.S.C.  
16 1311(a)(1));

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

20 (A) title VII of the Civil Rights Act of  
21 1964 (42 U.S.C. 2000e et seq.); or

22 (B) sections 302 and 304 of the Govern-  
23 ment Employee Rights Act of 1991 (42 U.S.C.  
24 2000e–16b and 2000e–16c);

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

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

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

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

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) in the case of a  
22 claim alleged by such individual for a violation  
23 of section 302(a)(1) of such Act (42 U.S.C.  
24 2000e–16b(a)(1));

1 (C) the Congressional Accountability Act  
2 of 1995 (2 U.S.C. 1301 et seq.) in the case of  
3 a claim alleged by such individual for a viola-  
4 tion of section 201(a)(1) of such Act (2 U.S.C.  
5 1311(a)(1)); and

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

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

13 (1) the procedures and remedies applicable for  
14 a violation of title VII of the Civil Rights Act of  
15 1964 (42 U.S.C. 2000e et seq.) in the case of a  
16 claim alleged by such individual for a violation of  
17 such title;

18 (2) the procedures and remedies applicable for  
19 a violation of section 302(a)(1) of the Government  
20 Employee Rights Act of 1991 (42 U.S.C. 2000e–  
21 16b(a)(1)) in the case of a claim alleged by such in-  
22 dividual for a violation of such section;

23 (3) the procedures and remedies applicable for  
24 a violation of section 201(a)(1) of the Congressional  
25 Accountability Act of 1995 (2 U.S.C. 1311(a)(1)) in

1 the case of a claim alleged by such individual for a  
2 violation of such section; and

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

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

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

17 (a) ABROGATION OF STATE IMMUNITY.—A State  
18 shall not be immune under the 11th Amendment to the  
19 Constitution from a suit brought in a Federal court of  
20 competent jurisdiction for a violation of this Act.

21 (b) WAIVER OF STATE IMMUNITY.—

22 (1) IN GENERAL.—

23 (A) WAIVER.—A State's receipt or use of  
24 Federal financial assistance for any program or  
25 activity of a State shall constitute a waiver of



1 sovereign immunity, under the 11th Amend-  
2 ment to the Constitution or otherwise, to a suit  
3 brought by an employee or applicant for em-  
4 ployment of that program or activity under this  
5 Act for a remedy authorized under subsection  
6 (d).

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

11 (2) EFFECTIVE DATE.—With respect to a par-  
12 ticular program or activity, paragraph (1) applies to  
13 conduct occurring on or after the day, after the date  
14 of enactment of this Act, on which a State first re-  
15 ceives or uses Federal financial assistance for that  
16 program or activity.

17 (c) REMEDIES AGAINST STATE OFFICIALS.—An offi-  
18 cial of a State may be sued in the official capacity of the  
19 official by any employee or applicant for employment who  
20 has complied with the applicable procedures of section 10,  
21 for equitable relief that is authorized under this Act. In  
22 such a suit the court may award to the prevailing party  
23 those costs authorized by section 722 of the Revised Stat-  
24 utes (42 U.S.C. 1988).

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

10 (1) punitive damages are not available; and

11 (2) compensatory damages are available to the  
12 extent specified in section 1977A(b) of the Revised  
13 Statutes (42 U.S.C. 1981a(b)).

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

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

1 **SEC. 13. POSTING NOTICES.**

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

10 **SEC. 14. REGULATIONS.**

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

14 (b) LIBRARIAN OF CONGRESS.—The Librarian of  
15 Congress shall have authority to issue regulations to carry  
16 out this Act with respect to employees and applicants for  
17 employment of the Library of Congress.

18 (c) BOARD.—The Board referred to in section  
19 10(a)(3) shall have authority to issue regulations to carry  
20 out this Act, in accordance with section 304 of the Con-  
21 gressional Accountability Act of 1995 (2 U.S.C. 1384),  
22 with respect to covered employees, as defined in section  
23 101 of such Act (2 U.S.C. 1301).

24 (d) PRESIDENT.—The President shall have authority  
25 to issue regulations to carry out this Act with respect to  
26 covered employees, as defined in section 411(c) of title 3,

1 United States Code, and applicants for employment as  
2 such employees.

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

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

9 **SEC. 16. SEVERABILITY.**

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

15 **SEC. 17. EFFECTIVE DATE.**

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

○