Sec. 2000d–1. Federal authority and financial assistance to programs or activities by way of grant, loan, or contract other than contract of insurance or guaranty; rules and regulations; approval by President; compliance with requirements; reports to Congressional committees; effective date of administrative action.


2000d–3. Construction of provisions not to authorize administrative action with respect to employment practices except where primary objective of Federal financial assistance is to provide employment.

2000d–4. Federal authority and financial assistance to programs or activities by way of contract of insurance or guaranty.

2000d–4a. “Program or activity” and “program” defined.


SUBCHAPTER VI—EQUAL EMPLOYMENT OPPORTUNITIES

2000e. Definitions.

2000e–1. Exemption.


2000e–3. Other unlawful employment practices.


2000e–9. Conduct of hearings and investigations pursuant to section 161 of title 29.


2000e–11. Veterans’ special rights or preference.

2000e–12. Regulations; conformity of regulations with administrative procedure provisions; reliance on interpretations and instructions of Commission.


2000e–15. Presidential conferences; acquaintance of leadership with provisions for employment rights and obligations; plans for fair administration; membership.


2000e–16a. Short title: purpose; definition.

2000e–16b. Discriminatory practices prohibited.

2000e–16c. Coverage of previously exempt State employees.

2000e–17. Procedure for denial, withholding, termination, or suspension of Government contract subsequent to acceptance by Government of affirmative action plan of employer; time of acceptance of plan.

SUBCHAPTER VII—REGISTRATION AND VOTING STATISTICS

2000f. Survey for compilation of registration and voting statistics; geographical areas; scope; application of census provisions; voluntary disclosure; advising of right not to furnish information.
§ 1981a TITLe 42—the public health and Welfare Page 4370

“(a) In General.—Except as otherwise specifically provided, this Act [see Short Title of 1991 Amendment note below] and the amendments made by this Act shall take effect upon enactment [Nov. 21, 1991].

“(b) Certain Disparate Impact Cases.—Notwithstanding any other provision of this Act, nothing in this Act shall apply to any disparate impact case for which a complaint was filed before March 1, 1975, and for which an initial decision was rendered after October 30, 1983.”

Short Title of 1991 Amendment


Short Title of 1976 Amendment


Severability

Section 401 of Pub. L. 102–166 provided that: “If any provision of this Act [see Short Title of 1991 Amendment note above], or an amendment made by this Act, or the application of such provision to any person or circumstances is held to be invalid, the remainder of this Act and the amendments made by this Act, and the application of such provision to other persons and circumstances, shall not be affected.”

Congressional Findings

Section 2 of Pub. L. 102–166 provided that: “The Congress finds that—

“(1) additional remedies under Federal law are needed to deter unlawful harassment and intentional discrimination in the workplace;

“(2) the decision of the Supreme Court in Wards Cove Packing Co. v. Atonio, 490 U.S. 642 (1989) has weakened the scope and effectiveness of Federal civil rights protections; and

“(3) legislation is necessary to provide additional protections against unlawful discrimination in employment.”

Purposes of 1991 Amendment

Section 3 of Pub. L. 102–166 provided that: “The purposes of this Act [see Short Title of 1991 Amendment note above] are—

“(1) to provide appropriate remedies for intentional discrimination and unlawful harassment in the workplace;

“(2) to codify the concepts of ‘business necessity’ and ‘job related’ enunciated by the Supreme Court in Griggs v. Duke Power Co., 401 U.S. 424 (1971), and in the other Supreme Court decisions prior to Wards Cove Packing Co. v. Atonio, 490 U.S. 642 (1989);

“(3) to confirm statutory authority and provide statutory guidelines for the adjudication of disparate impact suits under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); and

“(4) to respond to recent decisions of the Supreme Court by expanding the scope of relevant civil rights statutes in order to provide adequate protection to victims of discrimination.”

Legislative History for 1991 Amendment

Section 105(b) of Pub. L. 102–166 provided that: “No statements other than the interpretive memorandum appearing at Vol. 137 Congressional Record S 15576 (daily ed. Oct. 25, 1991) shall be considered legislative history of, or relied upon in any way as legislative history in construing or applying, any provision of this Act [see Short Title of 1991 Amendment note above] that relates to Wards Cove—Business necessity/cumulative alternative business practice.”

Construction of 1991 Amendment

Section 116 of title I of Pub. L. 102–166 provided that: “Nothing in the amendments made by this title [enacting section 1981a of this title and amending this section, sections 1988, 2000e, 2000e–1, 2000e–2, 2000e–4, 2000e–5, 2000e–15, 12111, 12112, and 12139 of this title, and section 626 of Title 29, Labor] shall be construed to affect court-ordered remedies, affirmative action, or conciliation agreements, that are in accordance with the law.”

Alternative Means of Dispute Resolution

Section 118 of title I of Pub. L. 102–166 provided that: “Where appropriate and to the extent authorized by law, the use of alternative means of dispute resolution, including settlement negotiations, conciliation, facilitation, mediation, factfinding, minitrials, and arbitration, is encouraged to resolve disputes arising under the Acts or provisions of Federal law amended by this title [enacting section 1981a of this title and amending this section, sections 1988, 2000e, 2000e–1, 2000e–2, 2000e–4, 2000e–5, 2000e–15, 12111, and 12112 of this title, and section 626 of Title 29, Labor].”

Executive Order No. 13050

Ex. Ord. No. 13050, June 13, 1997, 62 F.R. 32987, which established the President’s Advisory Board on Race, was revoked by Ex. Ord. No. 13138, §3(e), Sept. 30, 1999, 64 F.R. 53888, formerly set out as a note under section 14 of the Appendix to Title 5, Government Organization and Employees.

§ 1981a. Damages in cases of intentional discrimination in employment

(a) Right of recovery

(1) Civil rights

In an action brought by a complaining party under section 706 or 717 of the Civil Rights Act of 1964 [42 U.S.C. 2000e–5, 2000e–16] against a respondent who engaged in unlawful intentional discrimination (not an employment practice that is unlawful because of its disparate impact) prohibited under section 703, 704, or 717 of the Act [42 U.S.C. 2000e–2, 2000e–3, 2000e–16], and provided that the complaining party cannot recover under section 1961 of this title, the complaining party may recover compensatory and punitive damages as allowed in subsection (b) of this section, in addition to any relief authorized by section 706(g) of the Civil Rights Act of 1964, from the respondent.

(2) Disability

In an action brought by a complaining party under the powers, remedies, and procedures set forth in section 706 or 717 of the Civil Rights Act of 1964 [42 U.S.C. 2000e–5, 2000e–16] (as provided in section 107(a) of the Americans with Disabilities Act of 1990 [42 U.S.C. 12117(a)], and section 794a(a)(1) of title 29, respectively) against a respondent who engaged in unlawful intentional discrimination (not an employment practice that is unlawful because of its disparate impact) under section 791 of title 29 and the regulations implementing section 791 of title 29 or who violated the requirements of section 791 of title 29 or the regulations implementing section 791 of title 29 con-