

105TH CONGRESS
1ST SESSION

H. R. 2078

To amend title VII of the Civil Rights Act of 1964 to clarify the intent of Congress to hold individuals responsible for discriminatory acts committed by them in employment.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 1997

Mr. CAMPBELL (for himself, Mr. CANADY of Florida, and Mr. BOUCHER) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend title VII of the Civil Rights Act of 1964 to clarify the intent of Congress to hold individuals responsible for discriminatory acts committed by them in employment.

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 “Individual Liability
5 for Discrimination Act of 1997”.

6 **SEC. 2. PURPOSE.**

7 Congress has always intended that individuals who
8 discriminate in employment within the meaning of title

1 VII of the Civil Rights Act of 1964 may be held individ-
 2 ually liable for their actions, whether or not any other en-
 3 tity or individual is also liable. Courts have in general
 4 faithfully carried out this mandate. Recently, in sexual
 5 harassment cases in particular, some courts have failed
 6 to hold individuals liable for their discriminatory conduct
 7 that is otherwise clearly covered by title VII, on grounds
 8 that individuals cannot be held liable under it. This Act
 9 will prevent this misreading.

10 **SEC. 3. INDIVIDUAL LIABILITY UNDER TITLE VII.**

11 Section 706 of the Civil Rights Act of 1964 (42
 12 U.S.C. 2000e–5) is amended by adding at the end the fol-
 13 lowing:

14 “(l) Individuals are individually liable for acts of dis-
 15 crimination committed by them in employment, when the
 16 acts are otherwise covered by this title, whether or not
 17 any other party is also liable for their acts.”.

18 **SEC. 4. NO REDUCTION IN EMPLOYER LIABILITY.**

19 Section 706 of the Civil Rights Act of 1964 (42
 20 U.S.C. 2000e–5), as amended by section 3, is amended
 21 by adding at the end the following:

22 “(m) Nothing in subsection (l) shall be interpreted
 23 to reduce the responsibility of employers for discrimination
 24 in employment under this title, except that in awarding
 25 monetary relief against any party, a trier of fact may take

1 into account the relief ordered against and actually col-
2 lected from other parties.”.

3 **SEC. 5. DEFINITION OF RESPONDENT CLARIFIED.**

4 Section 701(n) of the Civil Rights of 1964 (42 U.S.C.
5 2000e) is amended to read as follows:

6 “(n) The term ‘respondent’ means an employer, em-
7 ployee or agent of the employer (including individual em-
8 ployer, employee, or agent of the employer, employment
9 agency, labor organization, joint labor-management com-
10 mittee controlling apprenticeship or other training or re-
11 training program, including an on-the-job training pro-
12 gram, or Federal entity subject to section 717.”.

13 **SEC. 6. EFFECTIVE DATE.**

14 This Act and the amendments made by this Act shall
15 take effect on the date of the enactment of this Act.

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