

105TH CONGRESS
1ST SESSION

S. 188

To amend the Civil Rights Act of 1964 to make preferential treatment an unlawful employment practice, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 22, 1997

Mr. HELMS introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To amend the Civil Rights Act of 1964 to make preferential treatment an unlawful employment practice, 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 “Civil Rights Restora-
5 tion Act of 1997”.

6 **SEC. 2. PREFERENTIAL TREATMENT.**

7 (a) UNLAWFUL EMPLOYMENT PRACTICE.—Section
8 703(j) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–
9 2(j)) is amended to read as follows:

1 “(j)(1) It shall be an unlawful employment practice
 2 for any entity that is an employer, employment agency,
 3 labor organization, or joint labor-management committee
 4 subject to this title to grant preferential treatment to any
 5 individual or group with respect to selection for, discharge
 6 from, compensation for, or the terms, conditions, or privi-
 7 leges of, employment or union membership, on the basis
 8 of the race, color, religion, sex, or national origin of such
 9 individual or group, for any purpose, except as provided
 10 in subsection (e) or paragraph (2).

11 “(2) It shall not be an unlawful employment practice
 12 for an entity described in paragraph (1) to recruit individ-
 13 uals of an underrepresented race, color, religion, sex, or
 14 national origin, to expand the applicant pool of the individ-
 15 uals seeking employment or union membership with the
 16 entity.”.

17 (b) CONSTRUCTION.—Nothing in the amendment
 18 made by subsection (a) shall be construed to limit the au-
 19 thority of courts to remedy, under section 706(g) of the
 20 Civil Rights Act of 1964 (42 U.S.C. 2000e–5(g)), inten-
 21 tional discrimination under title VII of such Act (42
 22 U.S.C. 2000e et seq.).

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