

## Calendar No. 5

107TH CONGRESS  
1ST SESSION**S. 78**

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

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IN THE SENATE OF THE UNITED STATES

JANUARY 22, 2001

Mr. HELMS introduced the following bill; which was read the first time

JANUARY 23, 2001

Read the second time and placed on the calendar

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**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 2001”.

1 **SEC. 2. PREFERENTIAL TREATMENT.**

2 (a) UNLAWFUL EMPLOYMENT PRACTICE.—Section  
3 703(j) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-  
4 2(j)) is amended to read as follows:

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

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

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



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