

108TH CONGRESS
1ST SESSION

H. R. 3285

To prohibit employment discrimination on the basis of sexual orientation.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2003

Mr. SHAYS (for himself, Mr. FRANK of Massachusetts, Mr. GREENWOOD, Mrs. TAUSCHER, Mr. ABERCROMBIE, Mr. ACEVEDO-VILÁ, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. BACA, Mr. BAIRD, Ms. BALDWIN, Mr. BECERRA, Mr. BELL, Ms. BERKLEY, Mr. BERMAN, Mrs. BIGGERT, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BOEHLERT, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDIN, Ms. CARSON of Indiana, Mr. CASE, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLYBURN, Mr. CONYERS, Mr. COOPER, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DAVIS of Florida, Mrs. DAVIS of California, Mr. DEFazio, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DEUTSCH, Mr. DICKS, Mr. DINGELL, Mr. DOGGETT, Mr. DOOLEY of California, Mr. DOYLE, Mr. EMANUEL, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FILNER, Mr. FOLEY, Mr. FORD, Mr. FROST, Mr. GEPHARDT, Mr. GONZALEZ, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOFFEL, Mr. HOLT, Mr. HONDA, Ms. HOOLEY of Oregon, Mr. HOYER, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Mrs. JOHNSON of Connecticut, Mrs. KELLY, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK, Mr. KIND, Mr. KIRK, Mr. KLECZKA, Mr. KOLBE, Mr. KUCINICH, Mr. LAMPSON, Mr. LANGEVIN, Mr. LANTOS, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mr. LEACH, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Ms. LOFGREN, Mrs. LOWEY, Mr. LYNCH, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. McDERMOTT, Mr. MCGOVERN, Mr. McNULTY, Ms. MAJETTE, Mrs. MALONEY, Mr. MARKEY, Mr. MATHESON, Mr. MATSUI, Mr. MEEHAN, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. MENENDEZ, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Mr. MOORE, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. OSE, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Ms. PELOSI, Ms.

PRYCE of Ohio, Mr. RANGEL, Mr. REYES, Mr. RODRIGUEZ, Ms. ROSELEHTINEN, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SABO, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SCHIFF, Mr. SHERMAN, Mr. SIMMONS, Ms. SLAUGHTER, Mr. SMITH of Washington, Ms. SOLIS, Mr. STARK, Mr. STRICKLAND, Mr. SWEENEY, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Mr. TIERNEY, Mr. TOWNS, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, Mr. VAN HOLLEN, Ms. VELÁZQUEZ, Mr. VISCLOSKY, Ms. WATERS, Ms. WATSON, Mr. WATT, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, and Mr. WYNN) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on House Administration, 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

A BILL

To prohibit employment discrimination on the basis of sexual orientation.

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 2003”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are—

8 (1) to provide a comprehensive Federal prohibi-
 9 tion of employment discrimination on the basis of
 10 sexual orientation;

(2) to provide meaningful and effective remedies for employment discrimination on the basis of sexual orientation; and

(3) to invoke congressional powers, including the powers to enforce the 14th amendment to the Constitution, and to regulate interstate commerce and provide for the general welfare pursuant to section 8 of article I of the Constitution, in order to prohibit employment discrimination on the basis of sexual orientation.

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—In this Act:

(1) COMMISSION.—The term “Commission” means the Equal Employment Opportunity Commission.

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

(3) EMPLOYEE.—

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

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

1 (ii) a Presidential appointee or State
2 employee to which section 302(a)(1) of the
3 Government Employee Rights Act of 1991
4 (42 U.S.C. 2000e–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) LABOR ORGANIZATION.—The term “labor
21 organization” has the meaning given the term in
22 section 701(d) of the Civil Rights Act of 1964 (42
23 U.S.C. 2000e(d)).

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

4 (8) RELIGIOUS ORGANIZATION.—The term “re-
5 ligious organization” means—

6 (A) a religious corporation, association, or
7 society; or

8 (B) a school, college, university, or other
9 educational institution or institution of learn-
10 ing, if—

11 (i) the institution is in whole or sub-
12 stantial part controlled, managed, owned,
13 or supported by a religion, religious cor-
14 poration, association, or society; or

15 (ii) the curriculum of the institution is
16 directed toward the propagation of a reli-
17 gion.

18 (9) SEXUAL ORIENTATION.—The term “sexual
19 orientation” means homosexuality, bisexuality, or
20 heterosexuality, whether the orientation is real or
21 perceived.

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

1 (b) APPLICATION OF DEFINITIONS.—For purposes of
2 this section, a reference in section 701 of the Civil Rights
3 Act of 1964—

4 (1) to an employee or an employer shall be con-
5 sidered to refer to an employee (as defined in para-
6 graph (3)) or an employer (as defined in paragraph
7 (4)), respectively, except as provided in paragraph
8 (2); and

9 (2) to an employer in subsection (f) of that sec-
10 tion shall be considered to refer to an employer (as
11 defined in paragraph (4)(A)).

12 **SEC. 4. DISCRIMINATION PROHIBITED.**

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

15 (1) to fail or refuse to hire or to discharge any
16 individual, or otherwise to discriminate against any
17 individual with respect to the compensation, terms,
18 conditions, or privileges of employment of the indi-
19 vidual, because of such individual's sexual orienta-
20 tion; or

21 (2) to limit, segregate, or classify the employees
22 or applicants for employment of the employer in any
23 way that would deprive or tend to deprive any indi-
24 vidual of employment or otherwise adversely affect

1 the status of the individual as an employee, because
2 of such individual's sexual orientation.

3 (b) EMPLOYMENT AGENCY PRACTICES.—It shall be
4 an unlawful employment practice for an employment agen-
5 cy to fail or refuse to refer for employment, or otherwise
6 to discriminate against, any individual because of the sex-
7 ual orientation of the individual or to classify or refer for
8 employment any individual on the basis of the sexual ori-
9 entation of the individual.

10 (c) LABOR ORGANIZATION PRACTICES.—It shall be
11 an unlawful employment practice for a labor organiza-
12 tion—

13 (1) to exclude or to expel from its membership,
14 or otherwise to discriminate against, any individual
15 because of the sexual orientation of the individual;

16 (2) to limit, segregate, or classify its member-
17 ship or applicants for membership, or to classify or
18 fail or refuse to refer for employment any individual,
19 in any way that would deprive or tend to deprive any
20 individual of employment, or would limit such em-
21 ployment or otherwise adversely affect the status of
22 the individual as an employee or as an applicant for
23 employment, because of such individual's sexual ori-
24 entation; or

1 (3) to cause or attempt to cause an employer to
2 discriminate against an individual in violation of this
3 section.

4 (d) TRAINING PROGRAMS.—It shall be an unlawful
5 employment practice for any employer, labor organization,
6 or joint labor-management committee controlling appren-
7 ticeship or other training or retraining, including on-the-
8 job training programs, to discriminate against any indi-
9 vidual because of the sexual orientation of the individual
10 in admission to, or employment in, any program estab-
11 lished to provide apprenticeship or other training.

12 (e) ASSOCIATION.—An unlawful employment practice
13 described in any of subsections (a) through (d) shall be
14 considered to include an action described in that sub-
15 section, taken against an individual based on the sexual
16 orientation of a person with whom the individual associ-
17 ates or has associated.

18 (f) DISPARATE IMPACT.—Only disparate treatment
19 claims may be brought under this Act.

20 **SEC. 5. RETALIATION PROHIBITED.**

21 It shall be an unlawful employment practice for a cov-
22 ered entity to discriminate against an individual because
23 such individual opposed any practice made an unlawful
24 employment practice by this Act, or because such indi-
25 vidual made a charge, testified, assisted, or participated

1 in any manner in an investigation, proceeding, or hearing
2 under this Act.

3 **SEC. 6. BENEFITS.**

4 This Act does not apply to the provision of employee
5 benefits to an individual for the benefit of the domestic
6 partner of such individual.

7 **SEC. 7. COLLECTION OF STATISTICS PROHIBITED.**

8 The Commission shall not collect statistics on sexual
9 orientation from covered entities, or compel the collection
10 of such statistics by covered entities.

11 **SEC. 8. QUOTAS AND PREFERENTIAL TREATMENT PROHIB-**
12 **ITED.**

13 (a) QUOTAS.—A covered entity shall not adopt or im-
14 plement a quota on the basis of sexual orientation.

15 (b) PREFERENTIAL TREATMENT.—A covered entity
16 shall not give preferential treatment to an individual on
17 the basis of sexual orientation.

18 (c) ORDERS AND CONSENT DECREES.—Notwith-
19 standing any other provision of this Act, an order or con-
20 sent decree entered for a violation of this Act may not
21 include a quota, or preferential treatment to an individual,
22 based on sexual orientation.

23 **SEC. 9. RELIGIOUS EXEMPTION.**

24 This Act shall not apply to a religious organization.

1 **SEC. 10. 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 Act 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. 11. CONSTRUCTION.**

16 (a) EMPLOYER RULES AND POLICIES.—Nothing in
17 this Act shall be construed to prohibit a covered entity
18 from enforcing rules and policies, if the rules or policies
19 are designed for, and uniformly applied to, all individuals
20 regardless of sexual orientation.

21 (b) ASSOCIATION.—Nothing in this Act shall be con-
22 strued to prohibit any association, or infringe upon any
23 right of association, guaranteed by the first amendment
24 to the Constitution, of any nonprofit, voluntary member-
25 ship organization.

1 **SEC. 12. ENFORCEMENT.**

2 (a) **ENFORCEMENT POWERS.**—With respect to the
3 administration and enforcement of this Act in the case of
4 a claim alleged by an individual for a violation of this
5 Act—

6 (1) the Commission shall have the same powers
7 as the Commission has to administer and enforce—

8 (A) title VII of the Civil Rights Act of
9 1964 (42 U.S.C. 2000e et seq.); or

10 (B) sections 302 and 304 of the Govern-
11 ment Employee Rights Act of 1991 (42 U.S.C.
12 2000e–16b and 2000e–16c);

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

17 (2) the Librarian of Congress shall have the
18 same powers as the Librarian of Congress has to ad-
19 minister and enforce title VII of the Civil Rights Act
20 of 1964 (42 U.S.C. 2000e et seq.) in the case of a
21 claim alleged by such individual for a violation of
22 such title;

23 (3) the Board (as defined in section 101 of the
24 Congressional Accountability Act of 1995 (2 U.S.C.
25 1301)) shall have the same powers as the Board has
26 to administer and enforce the Congressional Ac-

1 countability Act of 1995 (2 U.S.C. 1301 et seq.) in
2 the case of a claim alleged by such individual for a
3 violation of section 201(a)(1) of such Act (2 U.S.C.
4 1311(a)(1));

5 (4) the Attorney General shall have the same
6 powers as the Attorney General has to administer
7 and enforce—

8 (A) title VII of the Civil Rights Act of
9 1964 (42 U.S.C. 2000e et seq.); or

10 (B) sections 302 and 304 of the Govern-
11 ment Employee Rights Act of 1991 (42 U.S.C.
12 2000e–16b and 2000e–16c);

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

17 (5) the President, the Commission, and the
18 Merit Systems Protection Board shall have the same
19 powers as the President, the Commission, and the
20 Board, respectively, have to administer and enforce
21 chapter 5 of title 3, United States Code, in the case
22 of a claim alleged by such individual for a violation
23 of section 411 of such title;

1 (6) a court of the United States shall have the
2 same jurisdiction and powers as the court has to en-
3 force—

4 (A) title VII of the Civil Rights Act of
5 1964 (42 U.S.C. 2000e et seq.) in the case of
6 a claim alleged by such individual for a viola-
7 tion of such title;

8 (B) sections 302 and 304 of the Govern-
9 ment Employee Rights Act of 1991 (42 U.S.C.
10 2000e–16b and 2000e–16c) in the case of a
11 claim alleged by such individual for a violation
12 of section 302(a)(1) of such Act (42 U.S.C.
13 2000e–16b(a)(1));

14 (C) the Congressional Accountability Act
15 of 1995 (2 U.S.C. 1301 et seq.) in the case of
16 a claim alleged by such individual for a viola-
17 tion of section 201(a)(1) of such Act (2 U.S.C.
18 1311(a)(1)); and

19 (D) chapter 5 of title 3, United States
20 Code, in the case of a claim alleged by such in-
21 dividual for a violation of section 411 of such
22 title.

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

1 (1) the procedures and remedies applicable for
2 a violation of title VII of the Civil Rights Act of
3 1964 (42 U.S.C. 2000e et seq.) in the case of a
4 claim alleged by such individual for a violation of
5 such title;

6 (2) the procedures and remedies applicable for
7 a violation of section 302(a)(1) of the Government
8 Employee Rights Act of 1991 (42 U.S.C. 2000e–
9 16b(a)(1)) in the case of a claim alleged by such in-
10 dividual for a violation of such section;

11 (3) the procedures and remedies applicable for
12 a violation of section 201(a)(1) of the Congressional
13 Accountability Act of 1995 (2 U.S.C. 1311(a)(1)) in
14 the case of a claim alleged by such individual for a
15 violation of such section; and

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

20 (c) OTHER APPLICABLE PROVISIONS.—With respect
21 to a claim alleged by a covered employee (as defined in
22 section 101 of the Congressional Accountability Act of
23 1995 (2 U.S.C. 1301)) for a violation of this Act, title
24 III of the Congressional Accountability Act of 1995 (2
25 U.S.C. 1381 et seq.) shall apply in the same manner as

1 such title applies with respect to a claim alleged by such
2 a covered employee for a violation of section 201(a)(1) of
3 such Act (2 U.S.C. 1311(a)(1)).

4 (d) PROHIBITION OF AFFIRMATIVE ACTION.—Not-
5 withstanding any other provision of this section, affirma-
6 tive action for a violation of this Act may not be imposed.
7 Nothing in this section shall prevent the granting of relief
8 to any individual who suffers a violation of such individ-
9 ual’s rights provided in this Act.

10 **SEC. 13. STATE AND FEDERAL IMMUNITY.**

11 (a) STATE IMMUNITY.—A State shall not be immune
12 under the 11th amendment to the Constitution from a suit
13 described in subsection (b) and brought in a Federal court
14 of competent jurisdiction for a violation of this Act.

15 (b) REMEDIES FOR STATE EMPLOYEES.—

16 (1) IN GENERAL.—

17 (A) WAIVER.—A State’s receipt or use of
18 Federal financial assistance for any program or
19 activity of a State shall constitute a waiver of
20 sovereign immunity, under the 11th amendment
21 to the Constitution or otherwise, to a suit
22 brought by an employee or applicant for em-
23 ployment of that program or activity under this
24 Act for a remedy authorized under subsection
25 (c).

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

5 (2) OFFICIALS.—An official of a State may be
6 sued in the official capacity of the official by any
7 employee or applicant for employment who has com-
8 plied with the applicable procedures of section 12,
9 for equitable relief that is authorized under this Act.
10 In such a suit the court may award to the prevailing
11 party those costs authorized by section 722 of the
12 Revised Statutes (42 U.S.C. 1988).

13 (3) EFFECTIVE DATE.—With respect to a par-
14 ticular program or activity, paragraphs (1) and (2)
15 apply to conduct occurring on or after the day, after
16 the date of enactment of this Act, on which a State
17 first receives or uses Federal financial assistance for
18 that program or activity.

19 (c) REMEDIES AGAINST THE UNITED STATES AND
20 THE STATES.—Notwithstanding any other provision of
21 this Act, in an action or administrative proceeding against
22 the United States or a State for a violation of this Act,
23 remedies (including remedies at law and in equity, and
24 interest) are available for the violation to the same extent
25 as the remedies are available for a violation of title VII

1 of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.)

2 by a private entity, except that—

3 (1) punitive damages are not available; and

4 (2) compensatory damages are available to the

5 extent specified in section 1977A(b) of the Revised

6 Statutes (42 U.S.C. 1981a(b)).

7 **SEC. 14. ATTORNEYS' FEES.**

8 Notwithstanding any other provision of this Act, in
9 an action or administrative proceeding for a violation of
10 this Act, an entity described in section 12(a) (other than
11 paragraph (4) of such section), in the discretion of the
12 entity, may allow the prevailing party, other than the
13 Commission or the United States, a reasonable attorney's
14 fee (including expert fees) as part of the costs. The Com-
15 mission and the United States shall be liable for the costs
16 to the same extent as a private person.

17 **SEC. 15. POSTING NOTICES.**

18 A covered entity who is required to post notices de-
19 scribed in section 711 of the Civil Rights Act of 1964 (42
20 U.S.C. 2000e–10) shall post notices for employees, appli-
21 cants for employment, and members, to whom the provi-
22 sions specified in section 12(b) apply, that describe the
23 applicable provisions of this Act in the manner prescribed
24 by, and subject to the penalty provided under, section 711
25 of the Civil Rights Act of 1964.

1 **SEC. 16. REGULATIONS.**

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

5 (b) LIBRARIAN OF CONGRESS.—The Librarian of
6 Congress shall have authority to issue regulations to carry
7 out this Act with respect to employees and applicants for
8 employment of the Library of Congress.

9 (c) BOARD.—The Board referred to in section
10 12(a)(3) shall have authority to issue regulations to carry
11 out this Act, in accordance with section 304 of the Con-
12 gressional Accountability Act of 1995 (2 U.S.C. 1384),
13 with respect to covered employees, as defined in section
14 101 of such Act (2 U.S.C. 1301).

15 (d) PRESIDENT.—The President shall have authority
16 to issue regulations to carry out this Act with respect to
17 covered employees, as defined in section 411(c) of title 3,
18 United States Code.

19 **SEC. 17. RELATIONSHIP TO OTHER LAWS.**

20 This Act shall not invalidate or limit the rights, rem-
21 edies, or procedures available to an individual claiming
22 discrimination prohibited under any other Federal law or
23 any law of a State or political subdivision of a State.

24 **SEC. 18. SEVERABILITY.**

25 If any provision of this Act, or the application of the
26 provision to any person or circumstance, is held to be in-

1 valid, the remainder of this Act and the application of the
2 provision to any other person or circumstance shall not
3 be affected by the invalidity.

4 **SEC. 19. EFFECTIVE DATE.**

5 This Act shall take effect 60 days after the date of
6 enactment of this Act and shall not apply to conduct oc-
7 ccurring before the effective date.

○