



**PERK**  
Protection of the Educational Rights of Kids

ADDENDUM 6 SUMMARY

**US PROTECTIVE LAWS AGAINST  
DISCRIMINATION**

**U.S. TITLE II AND TITLE III AND TITLE VII OF THE CIVIL RIGHT ACT OF 1964**

**Title II** of **Civil Rights Act of 1964**, 42 U.S.C. § 2000 et seq. **Title II** prohibits discrimination in certain places of public accommodation, such as hotels, restaurants, nightclubs and theaters. Title VII of the U.S. Civil Right Act of 1964

**Title VII** of the **Civil Rights Act of 1964** is a federal **law** that protects employees against discrimination based on certain specified characteristics: race, color, national origin, sex, and religion. Under **Title VII**, an employer may not discriminate with regard to any term, condition, or privilege of employment.

**42 U.S. CODE § 2000A**

PUBLIC HEALTH AND WELFARE, CHAPTER 21 CIVIL RIGHTS, SUBCHAPTER II.  
PUBLIC ACCOMMODATION: 42 U.S. Code § 2000a - Prohibition against discrimination or segregation in places of public accommodation

**EQUAL ACCESS**

**(a) EQUAL ACCESS**

All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, religion, or national origin.

**(b) ESTABLISHMENTS AFFECTING INTERSTATE COMMERCE OR SUPPORTED IN THEIR ACTIVITIES BY STATE ACTION AS PLACES OF PUBLIC ACCOMMODATION; LODGINGS; FACILITIES PRINCIPALLY ENGAGED IN SELLING FOOD FOR CONSUMPTION ON THE PREMISES; GASOLINE STATIONS; PLACES OF EXHIBITION OR ENTERTAINMENT; OTHER COVERED ESTABLISHMENTS**

Each of the following establishments which serves the public is a place of public accommodation within the meaning of this subchapter if its operations affect commerce, or if discrimination or segregation by it is supported by State action:

- (1)** any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence;
- (2)** any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment; or any gasoline station;

(3) any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment; and

(4) any establishment (A)(i) which is physically located within the premises of any establishment otherwise covered by this subsection, or (ii) within the premises of which is physically located any such covered establishment, and (B) which holds itself out as serving patrons of such covered establishment.

**(c) OPERATIONS AFFECTING COMMERCE; CRITERIA; “COMMERCE” DEFINED**

The operations of an establishment affect commerce within the meaning of this subchapter if (1) it is one of the establishments described in paragraph (1) of subsection (b); (2) in the case of an establishment described in paragraph (2) of subsection (b), it serves or offers to serve interstate travelers of a substantial portion of the food which it serves, or gasoline or other products which it sells, has moved in commerce; (3) in the case of an establishment described in paragraph (3) of subsection (b), it customarily presents films, performances, athletic teams, exhibitions, or other sources of entertainment which move in commerce; and (4) in the case of an establishment described in paragraph (4) of subsection (b), it is physically located within the premises of, or there is physically located within its premises, an establishment the operations of which affect commerce within the meaning of this subsection. For purposes of this section, “commerce” means travel, trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia and any State, or between any foreign country or any territory or possession and any State or the District of Columbia, or between points in the same State but through any other State or the District of Columbia or a foreign country.

**(d) SUPPORT BY STATE ACTION**

Discrimination or segregation by an establishment is supported by State action within the meaning of this subchapter if such discrimination or segregation (1) is carried on under color of any law, statute, ordinance, or regulation; or (2) is carried on under color of any custom or usage required or enforced by officials of the State or political subdivision thereof; or (3) is required by action of the State or political subdivision thereof.

**(e) PRIVATE ESTABLISHMENTS**

The provisions of this subchapter shall not apply to a private club or other establishment not in fact open to the public, except to the extent that the facilities of such establishment are made available to the customers or patrons of an establishment within the scope of subsection (b).

- Title VII of the Civil Rights Act of 1964 (42 United States Code (U.S.C.) 2000e)
  - Pregnancy Discrimination Act of 1978 (42 U.S.C. 2000e(k))
  - Title I, Americans with Disabilities Act of 1990 (42 U.S.C. 12101-12213)
  - Age Discrimination in Employment Act of 1967 (29 U.S.C. 621)
  - Equal Pay Act of 1963 (29 U.S.C. 206 (d))
  - Title I of the Civil Rights Act of 1991 (42 U.S.C. 2000(e)) section 1977A
  - Rehabilitation Act of 1973 sections 501 and 505 (U.S.C.)
- Discrimination and Harassment Prevention Policy Chapter 2 California Department of Food and Agriculture Section 1 Subsection 1 Page | 2 • Title II, Genetic Information Nondiscrimination Act of 2008, U.S.C. sections 201-213

**PREGNANCY DISCRIMINATION ACT OF 1978 (42 U.S.C. 2000E(K))**

**(a)**

The term “[person](#)” includes one or more individuals, governments, governmental agencies, political subdivisions, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under title 11, or receivers.

**(b)**

The term “[employer](#)” means a [person](#) engaged in an [industry affecting commerce](#) who has fifteen or more [employees](#) for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and any agent of such a [person](#), but such term does not include (1) the United [States](#), a corporation wholly owned by the Government of the United [States](#), an Indian tribe, or any department or agency of the District of Columbia subject by statute to procedures of the competitive service (as defined in [section 2102 of title 5](#)), or (2) a bona fide private membership club (other than a [labor organization](#)) which is exempt from taxation under [section 501\(c\) of title 26](#), except that during the first year after March 24, 1972, [persons](#) having fewer than twenty-five [employees](#) (and their agents) shall not be considered [employers](#).

(c)

The term “[employment agency](#)” means any [person](#) regularly undertaking with or without compensation to procure [employees](#) for an [employer](#) or to procure for [employees](#) opportunities to work for an [employer](#) and includes an agent of such a [person](#).

(d)

The term “[labor organization](#)” means a [labor organization](#) engaged in an [industry affecting commerce](#), and any agent of such an organization, and includes any organization of any kind, any agency, or [employee](#) representation committee, group, association, or plan so engaged in which [employees](#) participate and which exists for the purpose, in whole or in part, of dealing with [employers](#) concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and any conference, general committee, joint or system board, or joint council so engaged which is subordinate to a national or international [labor organization](#).

(e) A [labor organization](#) shall be deemed to be engaged in an [industry affecting commerce](#) if (1) it maintains or operates a hiring hall or hiring office which procures [employees](#) for an [employer](#) or procures for [employees](#) opportunities to work for an [employer](#), or (2) the number of its members (or, where it is a [labor organization](#) composed of other [labor organizations](#) or their representatives, if the aggregate number of the members of such other [labor organization](#)) is (A) twenty-five or more during the first year after March 24, 1972, or (B) fifteen or more thereafter, and such [labor organization](#)—

(1)

is the certified representative of [employees](#) under the provisions of the [National Labor Relations Act](#), as amended [[29 U.S.C. 151](#) et seq.], or the [Railway Labor Act](#), as amended [[45 U.S.C. 151](#) et seq.];

(2)

although not certified, is a national or international [labor organization](#) or a local [labor organization](#) recognized or acting as the representative of [employees](#) of an [employer](#) or [employers](#) engaged in an [industry affecting commerce](#); or

(3)

has chartered a local [labor organization](#) or subsidiary body which is representing or actively seeking to represent [employees](#) of [employers](#) within the meaning of paragraph (1) or (2); or

(4)

has been chartered by a [labor organization](#) representing or actively seeking to represent [employees](#) within the meaning of paragraph (1) or (2) as the local or subordinate body through which such [employees](#) may enjoy membership or become affiliated with such [labor organization](#); or

(5)

is a conference, general committee, joint or system board, or joint council subordinate to a national or international [labor organization](#), which includes a [labor organization](#) engaged in an [industry affecting commerce](#) within the meaning of any of the preceding paragraphs of this subsection.

(f)

The term “[employee](#)” means an individual employed by an [employer](#), except that the term “[employee](#)” shall not include any [person](#) elected to public office in any [State](#) or political subdivision of any [State](#) by the qualified voters thereof, or any [person](#) chosen by such officer to be on such officer’s personal staff, or an appointee on the policy making level or an immediate adviser with respect to the exercise of the constitutional or legal powers of the office. The exemption set forth in the preceding sentence shall not include [employees](#) subject to the civil service laws of a [State](#) government, governmental agency or political

subdivision. With respect to employment in a foreign country, such term includes an individual who is a citizen of the United States.

(g)

The term “commerce” means trade, traffic, commerce, transportation, transmission, or communication among the several States; or between a State and any place outside thereof; or within the District of Columbia, or a possession of the United States; or between points in the same State but through a point outside thereof.

(h)

The term “industry affecting commerce” means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry “affecting commerce” within the meaning of the Labor-Management Reporting and Disclosure Act of 1959 [29 U.S.C. 401 et seq.], and further includes any governmental industry, business, or activity.

(i)

The term “State” includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act [43 U.S.C. 1331 et seq.].

(j)

The term “religion” includes all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he is unable to reasonably accommodate to an employee’s or prospective employee’s religious observance or practice without undue hardship on the conduct of the employer’s business.

(k)

The terms “because of sex” or “on the basis of sex” include, but are not limited to, because of or on the basis of pregnancy, childbirth, or related medical conditions; and women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work, and nothing in section 2000e-2(h) of this title shall be interpreted to permit otherwise. This subsection shall not require an employer to pay for health insurance benefits for abortion, except where the life of the mother would be endangered if the fetus were carried to term, or except where medical complications have arisen from an abortion: Provided, That nothing herein shall preclude an employer from providing abortion benefits or otherwise affect bargaining agreements in regard to abortion.

(l)

The term “complaining party” means the Commission, the Attorney General, or a person who may bring an action or proceeding under this subchapter.

(m)

The term “demonstrates” means meets the burdens of production and persuasion.

(n)

The term “respondent” means an employer, employment agency, labor organization, joint labor-management committee controlling apprenticeship or other training or retraining program, including an on-the-job training program, or Federal entity subject to section 2000e-16 of this title.

(Pub. L. 88-352, title VII, § 701, July 2, 1964, 78 Stat. 253; Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 662; Pub. L. 92-261, § 2, Mar. 24, 1972, 86 Stat. 103; Pub. L. 95-555, § 1, Oct. 31, 1978, 92 Stat. 2076; Pub. L. 95-598, title III, § 330, Nov. 6, 1978, 92 Stat. 2679; Pub. L. 99-514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 102-166, title I, §§ 104, 109(a), Nov. 21, 1991, 105 Stat. 1074, 1077.)

<https://www.eeoc.gov/laws/guidance/enforcement-guidance-pregnancy-discrimination-and-related-issues#I>

Title VII prohibits discrimination based on pregnancy, childbirth, or a related medical condition. Thus, an employer may not discriminate against a woman with a medical condition relating to pregnancy or childbirth and must treat her the same as others who are similar in their ability or inability to work but are not affected by pregnancy, childbirth, or related medical conditions.<sup>[43]</sup>

## **TITLE I, AMERICANS WITH DISABILITIES ACT OF 1990 (42 U.S.C. 12101-12213)**

Passed by Congress in 1990, the Americans with Disabilities Act (ADA) ensures that people living with disabilities have access to all of the same opportunities as those without disabilities. The ADA extended coverage provided by the Rehabilitation Act of 1973 to employees and participants in federal agencies and federally-funded programs by applying its requirements to the private sector as well as to state entities. The ADA defines disability as "a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment." As a result of the ADA being enacted, thousands of people have benefited not only from its prohibitions on discrimination in employment, transportation, and public accommodations, but also from its requirements that facilities and public spaces be made more accessible to people with physical disabilities.

See full text here:

<https://www.hivlawandpolicy.org/sites/default/files/ADA%20Text.pdf>

<https://www.govinfo.gov/content/pkg/USCODE-2007-title42/pdf/USCODE-2007-title42-chap126.pdf>

## **AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967 (29 U.S.C. 621)**

To prohibit age discrimination in employment. See full text PDF. <https://www.eeoc.gov/statutes/age-discrimination-employment-act-1967>

## **EQUAL PAY ACT OF 1963 (29 U.S.C. 206 (D))**

<https://www.eeoc.gov/statutes/equal-pay-act-1963>

(1) No employer having employees subject to any provisions of this section shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex by paying wages to employees in such establishment at a rate less than the rate at which he pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to (i) a seniority system; (ii) a merit system; (iii) a system which measures earnings by quantity or quality of production; or (iv) a differential based on any other factor other than sex: *Provided*, That an employer who is paying a wage rate differential in violation of this subsection shall not, in order to comply with the provisions of this subsection, reduce the wage rate of any employee.

## **REHABILITATION ACT OF 1973 SECTIONS 501 AND 505 (U.S.C.)**

*Section 501 prohibits employment discrimination against individuals with disabilities in the federal sector. Section 505 contains provisions governing remedies and attorney's fees under Section 501. Relevant definitions that apply to sections 501 and 505 precede these sections. Section 512 of the Americans with Disabilities Act of 1990 (Pub. L. 101-336) (ADA) amends definitions applicable to the Rehab. Act. The Rehabilitation Act Amendments of 1992 (Pub. L. 102-559) further amends the definition of "individual with a disability" and Section 501. These amendments appear in boldface type. In addition, section 102 of the Civil Rights Act of 1991 (Pub. L. 102-166 (CRA) (which is printed elsewhere in this publication) amends the Revised Statutes by adding a new section following section 1977 (42 U.S.C. 1981), to provide for the recovery of compensatory and punitive damages in cases of intentional violations of Title VII, the Americans with Disabilities Act of 1990, and section 501 of the Rehabilitation Act of 1973. Cross references to the Rehabilitation Act as enacted appear in italics following each section heading. <https://www.eeoc.com/policy/laws/rehabilitation-act-of-1973/>*

(20) Individual with a disability

(B) Certain programs; limitations on major life activities

Subject to subparagraphs (C), (D), (E), and (F), the term "individual with a disability" means, for purposes of sections 701, 711, and 712 of this title and subchapters II, IV, V, and VII of this chapter [29 U.S.C. §§ 760 et seq., 780 et seq., 790 et seq., and 796 et seq.], **any person who has a disability as defined in section 12102 of Title 42.**

(C) Rights and advocacy provisions

(i) In general; exclusion of individuals engaging in drug use

For purposes of subchapter V of this chapter [29 U.S.C. § 790 et seq.], the term "individual with a disability" does not include an individual who is currently engaging in the illegal use of drugs, when a covered entity acts on the basis of such use.

(ii) Exception for individuals no longer engaging in drug use

Nothing in clause (i) shall be construed to exclude as an individual with a disability an individual who--

(I) has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in such use;

(II) is participating in a supervised rehabilitation program and is no longer engaging in such use; or

(III) is erroneously regarded as engaging in such use, but is not engaging in such use;

except that it shall not be a violation of this chapter [29 U.S.C. § 701 et seq.] for a covered entity to adopt or administer reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual described in subclause (I) or (II) is no longer engaging in the illegal use of drugs.

\* \* \*

(E) Rights provisions; exclusion of individuals on basis of homosexuality or bisexuality For the purposes of sections 791, 793, and 794 of this title--

(i) for purposes of the application of subparagraph (B) to such sections, the term "impairment" does not include homosexuality or bisexuality; and

(ii) therefore the term "individual with a disability" does not include an individual on the basis of homosexuality or bisexuality.

(F) Rights provisions; exclusion of individuals on basis of certain disorders

For the purposes of sections 791, 793, and 794 of this title, the term "individual with a disability" does not include an individual on the basis of--

(i) transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

(ii) compulsive gambling, kleptomania, or pyromania; or

(iii) psychoactive substance use disorders resulting from current illegal use of drugs.

\* \* \*

## EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES

SEC. 791. [Section 501]

(a) Interagency Committee on Employees who are Individuals with Disabilities; establishment; membership; co-chairmen; availability of other Committee resources; purpose and functions

There is established within the Federal Government an Interagency Committee on Employees who are Individuals with Disabilities (hereinafter in this section referred to as the "Committee"), comprised of such members as the President may select, including the following (or their designees whose positions are Executive Level IV or higher): the Chairman of the Equal Employment Opportunity Commission (hereafter in this section referred to as the "Commission"), the Director of the Office of Personnel Management, the Secretary of Veterans Affairs, the Secretary of Labor, the Secretary of Education, and the Secretary of Health and Human Services. Either the Director of the Office of Personnel Management and the Chairman of the Commission shall serve as co-chairpersons of the Committee or the Director or Chairman shall serve as the sole chairperson of the Committee, as the Director and Chairman jointly determine, from time to time, to be appropriate. The resources of the President's Committees on Employment of People With Disabilities and on Mental Retardation shall be made fully available to the Committee. It shall be the purpose and function of the Committee (1) to provide a focus for Federal and other employment of individuals with disabilities, and to review, on a periodic basis, in cooperation with the Commission, the adequacy of hiring, placement, and advancement practices with respect to individuals with disabilities, by each department, agency, and instrumentality in the executive branch of Government and the Smithsonian Institution, and to insure that the special needs of such individuals are being met; and (2) to consult with the Commission to assist the Commission to carry out its responsibilities under subsections (b), (c), and (d) of this section. On the basis of such review and consultation, the Committee shall periodically make to the Commission such recommendations for legislative and administrative changes as it deems necessary or desirable. The Commission shall timely transmit to the appropriate committees of Congress any such recommendations.

(b) Federal agencies; affirmative action program plans

Each department, agency, and instrumentality (including the United States Postal Service and the Postal Regulatory Commission) in the executive branch and the Smithsonian Institution shall, within one hundred and eighty days after September 26, 1973, submit to the Commission and to the Committee an affirmative action program plan for the hiring, placement, and advancement of individuals with disabilities in such department, agency, instrumentality, or Institution. Such plan shall include a description of the extent to which and methods whereby the special needs of employees who are individuals with disabilities are being met. Such plan shall be updated annually, and shall be reviewed annually and approved by the Commission, if the Commission determines, after consultation with the Committee, that such plan provides sufficient assurances, procedures and commitments to provide adequate hiring, placement, and advancement opportunities for individuals with disabilities.

(c) State agencies; rehabilitated individuals, employment

The Commission, after consultation with the Committee, shall develop and recommend to the Secretary for referral to the appropriate State agencies, policies and procedures which will facilitate the hiring, placement, and advancement in employment of individuals who have received rehabilitation services under State vocational rehabilitation programs, veterans' programs, or any other program for individuals with disabilities,

including the promotion of job opportunities for such individuals. The Secretary shall encourage such State agencies to adopt and implement such policies and procedures.

(d) Report to Congressional committees

The Commission, after consultation with the Committee, shall, on June 30, 1974, and at the end of each subsequent fiscal year, make a complete report to the appropriate committees of the Congress with respect to the practices of and achievements in hiring, placement, and advancement of individuals with disabilities by each department, agency, and instrumentality and the Smithsonian Institution and the effectiveness of the affirmative action programs required by subsection (b) of this section, together with recommendations as to legislation which have been submitted to the Commission under subsection (a) of this section, or other appropriate action to insure the adequacy of such practices. Such report shall also include an evaluation by the Committee of the effectiveness of the activities of the Commission under subsections (b) and (c) of this section.

(e) Federal work experience without pay; non-Federal status

An individual who, as a part of an individualized plan for employment under a State plan approved under this chapter, participates in a program of unpaid work experience in a Federal agency, shall not, by reason thereof, be considered to be a Federal employee or to be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(f) Federal agency cooperation; special consideration for positions on President's Committee on Employment of People With Disabilities

(1) The Secretary of Labor and the Secretary of Education are authorized and directed to cooperate with the President's Committee on Employment of People With Disabilities in carrying out its functions.

(2) In selecting personnel to fill all positions on the President's Committee on Employment of People With Disabilities, special consideration shall be given to qualified individuals with disabilities.

(g) Standards used in determining violation of section

The standards used to determine whether this section has been violated in a complaint alleging nonaffirmative action employment discrimination under this section shall be the standards applied under title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.) and the provisions of sections 501 through 504, and 510, of the Americans with Disabilities Act of 1990 (42 U.S.C. 12201-12204 and 12210), as such sections relate to employment.

*[42 U.S.C. § 2000e-5 note]*

**(b) REHABILITATION ACT OF 1973.—** The amendments made by section 3 *[Lilly Ledbetter Fair Pay Act of 2009, PL 111-2, 123 Stat. 5]* shall apply to claims of discrimination in compensation brought under sections 501 and 504 of the Rehabilitation Act of 1973 (29 U.S.C. 791, 794), pursuant to—

**(1) sections 501(g) and 504(d) of such Act (29 U.S.C. 791(g), 794(d)), respectively, which adopt the standards applied under title I of the Americans with Disabilities Act of 1990 *[42 U.S.C. 12101 et seq.]* for determining whether a violation has occurred in a complaint alleging employment discrimination; and**



(2) paragraphs (1) and (2) of section 505(a) of such Act (29 U.S.C. 794a(a)) (as amended by subsection (c)).

## REMEDIES AND ATTORNEYS' FEES

SEC. 794a. [Section 505]

(a)(1) The remedies, procedures, and rights set forth in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16), including the application of sections 706(f) through 706(k) (42 U.S.C. 2000e-5(f) through (k)) **(and the application of section 706(e)(3) (42 U.S.C. 2000e-5(e)(3)) to claims of discrimination in compensation)**, shall be available, with respect to any complaint under section 791 of this title, to any employee or applicant for employment aggrieved by the final disposition of such complaint, or by the failure to take final action on such complaint. In fashioning an equitable or affirmative action remedy under such section, a court may take into account the reasonableness of the cost of any necessary work place accommodation, and the availability of alternatives therefore or other appropriate relief in order to achieve an equitable and appropriate remedy.

(2) The remedies, procedures, and rights set forth in title VI of the Civil Rights Act of 1964 **(42 U.S.C. 2000d et seq.) (and in subsection (e)(3) of section 706 of such Act (42 U.S.C. 2000e-5), applied to claims of discrimination in compensation)** shall be available to any person aggrieved by any act or failure to act by any recipient of Federal assistance or Federal provider of such assistance under section 794 of this title.

(b) In any action or proceeding to enforce or charge a violation of a provision of this subchapter, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.

## **TITLE I OF THE CIVIL RIGHTS ACT OF 1991 (42 U.S.C. 2000(E)) SECTION 1977A**

See full text here: <https://www.eeoc.com/policy/laws/civil-rights-act-of-1991/>

To amend the Civil Rights Act of 1964 to strengthen and improve Federal civil rights laws, to provide for damages in cases of intentional employment discrimination, to clarify provisions regarding disparate impact actions, and for other purposes.

“government employees, with respect to their public employment, to be free of discrimination on the basis of race, color, religion, sex, national origin, age, or disability.

(c) DEFINITIONS- For purposes of this title:

(1) SENATE EMPLOYEE- The term `Senate employee' or `employee' means--

(A) any employee whose pay is disbursed by the Secretary of the Senate;

(B) any employee of the Architect of the Capitol who is assigned to the Senate Restaurants or to the Superintendent of the Senate Office Buildings;

(C) any applicant for a position that will last 90 days or more and that is to be occupied by an individual described in subparagraph (A) or (B); or

(D) any individual who was formerly an employee described in subparagraph (A) or (B) and whose claim of a violation arises out of the individual's Senate employment.

(2) HEAD OF EMPLOYING OFFICE- The term 'head of employing office' means the individual who has final authority to appoint, hire, discharge, and set the terms, conditions or privileges of the Senate employment of an employee.

(3) VIOLATION- The term 'violation' means a practice that violates section 302 of this title.

#### SEC. 302. DISCRIMINATORY PRACTICES PROHIBITED.

All personnel actions affecting employees of the Senate shall be made free from any discrimination based on--

(1) race, color, religion, sex, or national origin, within the meaning of section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16);

(2) age, within the meaning of section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a); or

(3) handicap or disability, within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) and sections 102-104 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112-14).

#### SEC. 303. ESTABLISHMENT OF OFFICE OF SENATE FAIR EMPLOYMENT PRACTICES.

(a) IN GENERAL- There is established, as an office of the Senate, the Office of Senate Fair Employment Practices (referred to in this title as the 'Office'), which shall--

(1) administer the processes set forth in sections 305 through 307;

(2) implement programs for the Senate to heighten awareness of employee rights in order to prevent violations from occurring.