

119TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend the Civil Rights Act of 1964 and the Fair Housing Act to  
prohibit disparate-impact claims.

\_\_\_\_\_  
IN THE SENATE OF THE UNITED STATES

\_\_\_\_\_ introduced the following bill; which was read twice  
and referred to the Committee on \_\_\_\_\_

## **A BILL**

To amend the Civil Rights Act of 1964 and the Fair Housing  
Act to prohibit disparate-impact claims.

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 “Restoring Equal Op-  
5       portunity Act”.

### 6       **SEC. 2. SENSE OF THE SENATE.**

7       It is the sense of the Senate that it is the policy of  
8       the United States to eliminate the use of disparate-impact  
9       liability in all contexts to the maximum degree possible

1 to avoid violating the Constitution of the United States,  
2 Federal civil rights laws, and basic American ideals.

3 **SEC. 3. DISPARATE-IMPACT CLAIMS PROHIBITED FOR EM-**  
4 **PLOYMENT PRACTICES.**

5 Section 703 of the Civil Rights Act of 1964 (42  
6 U.S.C. 2000e-2) is amended by striking subsection (k)  
7 and inserting the following:

8 “(k)(1) No person may bring an action or proceeding  
9 under this title for a claim alleging an unlawful employ-  
10 ment practice based on disparate impact.

11 “(2) In this subsection, the term ‘disparate impact’,  
12 used with respect to an employment practice, means the  
13 result of an employment practice that—

14 “(A) is neutral on its face, and does not result  
15 from an intention to discriminate in a manner pro-  
16 hibited under this title; but

17 “(B) may have a disproportionate effect on cer-  
18 tain groups, including protected classes under this  
19 title.”.

20 **SEC. 4. DISPARATE-IMPACT CLAIMS PROHIBITED FOR**  
21 **HOUSING PRACTICES.**

22 Section 807 of the Fair Housing Act (42 U.S.C.  
23 3607) is amended by adding at the end the following:

1       “(c)(1) No person may bring an action or proceeding  
2 under this title for a claim alleging a discriminatory hous-  
3 ing practice based on disparate impact.

4       “(2) In this subsection, the term ‘disparate impact’,  
5 used with respect to a housing practice, means the result  
6 of a housing practice that—

7               “(A) is neutral on its face, and does not result  
8 from an intention to discriminate in a manner pro-  
9 hibited under this title; but

10              “(B) may have a disproportionate effect on cer-  
11 tain groups, including protected classes under this  
12 title.”.

13 **SEC. 5. NULLIFYING REGULATIONS.**

14       The following Presidential approvals of the regula-  
15 tions promulgated under section 602 of the Civil Rights  
16 Act of 1964 (42 U.S.C. 2000d–1), and the regulations so  
17 approved, shall have no force and effect:

18              (1) The Presidential approval of regulations  
19 issued by the Equal Employment Opportunity Com-  
20 mission relating to title VII of the Civil Rights Act  
21 of 1964 (31 Fed. Reg. 10269 (July 29, 1966)), as  
22 applied to section 42.104(b)(2) of title 28, Code of  
23 Federal Regulations, in full.

24              (2) The Presidential approval of regulations  
25 issued by the Department of Justice relating to

1       “Regulations To Implement Title VI of the Civil  
2       Rights Act of 1964 With Respect to Federal Assist-  
3       ance Administered by the Department of Justice”  
4       (38 Fed. Reg. 17955 (July 5, 1973)), as applied to  
5       the words “or effect” in both places they appear in  
6       section 42.104(b)(3) of title 28, Code of Federal  
7       Regulations, and as applied to section  
8       42.104(b)(6)(ii) of title 28, Code of Federal Regula-  
9       tions and section 42.104(c)(2) of title 28, Code of  
10      Federal Regulations, in full.