

117TH CONGRESS
2D SESSION

S. 5218

To amend the civil rights remedies equalization provision of the Rehabilitation Act Amendments of 1986 to clarify civil rights remedies.

IN THE SENATE OF THE UNITED STATES

DECEMBER 8, 2022

Mrs. MURRAY (for herself, Mr. DURBIN, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BROWN, Mr. CASEY, Ms. DUCKWORTH, Mrs. FEINSTEIN, Mr. KAINE, Mr. SANDERS, and Mr. WHITEHOUSE) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the civil rights remedies equalization provision of the Rehabilitation Act Amendments of 1986 to clarify civil rights remedies.

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 “Clarifying Civil Rights
5 Remedies Act of 2022”.

6 **SEC. 2. PURPOSES.**

7 (a) PURPOSES.—The purposes of this Act are—

1 (1) to remedy and deter violations of rights
2 guaranteed under section 504 of the Rehabilitation
3 Act of 1973, section 1557 of the Patient Protection
4 and Affordable Care Act, title IX of the Education
5 Amendments of 1972, the Age Discrimination Act of
6 1975, and title VI of the Civil Rights Act of 1964,
7 by safeguarding the availability of damages for emo-
8 tional harm in actions alleging violations of these
9 laws; and

10 (2) to invoke the sweep of congressional author-
11 ity, including the power to enforce the Equal Protec-
12 tion Clause of the 14th Amendment to the Constitu-
13 tion of the United States and to set the terms on
14 which Congress disburses Federal money under the
15 Spending Clause of section 8 of article I of the Con-
16 stitution, in order to remedy and deter discrimina-
17 tion on the basis of disability, race, color, national
18 origin, age, and sex that people face every day.

19 **SEC. 3. CIVIL RIGHTS REMEDIES.**

20 Section 1003 of the Rehabilitation Act Amendments
21 of 1986 (42 U.S.C. 2000d–7) is amended—

22 (1) by redesignating subsection (b) as sub-
23 section (c);

24 (2) by inserting after subsection (a) the fol-
25 lowing:

1 “(b) COMPENSATORY DAMAGES.—Remedies at law
2 available for a violation of a section or other provision re-
3 ferred to in subsection (a)(1), in a suit against any entity,
4 private or public, including a State, shall include all types
5 of compensatory damages, including damages for emo-
6 tional harm.”; and

7 (3) by amending subsection (c), as amended by
8 paragraph (1), to read as follows:

9 “(c) EFFECTIVE DATE.—The provisions of sub-
10 section (a) shall take effect with respect to violations that
11 occur in whole or in part after October 21, 1986. Sub-
12 section (b) shall take effect with respect to violations for
13 which a court has not rendered a final decision on the
14 date of enactment of the Clarifying Civil Rights Remedies
15 Act of 2022.”.

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