

103^D CONGRESS
2^D SESSION

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To amend the Civil Rights Act of 1964 and other civil rights laws to prohibit employers from requiring employees to submit claims relating to employment discrimination to mandatory arbitration.

IN THE SENATE OF THE UNITED STATES

APRIL 13 (legislative day, April 11), 1994

Mr. FEINGOLD introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To amend the Civil Rights Act of 1964 and other civil rights laws to prohibit employers from requiring employees to submit claims relating to employment discrimination to mandatory arbitration.

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 “Protection From
5 Coercive Employment Agreements Act”.

1 **SEC. 2. CIVIL RIGHTS ACT OF 1964.**

2 (a) IN GENERAL.—Section 704 of the Civil Rights
3 Act of 1964 (42 U.S.C. 2000e–3) is amended by adding
4 at the end the following:

5 “(c) It shall be an unlawful employment practice for
6 an employer to—

7 “(1) fail or refuse to hire or to discharge any
8 individual, or otherwise to discriminate against any
9 individual with respect to the compensation, terms,
10 conditions, or privileges of employment of the indi-
11 vidual, because the individual refuses to submit any
12 claim under this title to mandatory arbitration; or

13 “(2) make the submission of such claim to
14 mandatory arbitration a condition of the hiring, con-
15 tinued employment, or compensation, or a term, con-
16 dition, or privilege of employment, of the individ-
17 ual.”.

18 (b) FEDERAL GOVERNMENT EMPLOYMENT.—Section
19 717(a) of such Act (42 U.S.C. 2000e–16(a)) is amended
20 by striking the period and inserting the following: “, in-
21 cluding any unlawful employment practice described in
22 section 704(c).”.

1 **SEC. 3. AGE DISCRIMINATION IN EMPLOYMENT ACT OF**
2 **1967.**

3 (a) IN GENERAL.—Section 4 of the Age Discrimina-
4 tion in Employment Act of 1967 (29 U.S.C. 623) is
5 amended by inserting after subsection (f) the following:

6 “(g) It shall be unlawful for an employer to—

7 “(1) fail or refuse to hire or to discharge any
8 individual, or otherwise to discriminate against any
9 individual with respect to the compensation, terms,
10 conditions, or privileges of employment of the indi-
11 vidual, because the individual refuses to submit any
12 claim under this Act to mandatory arbitration; or

13 “(2) make the submission of such claim to
14 mandatory arbitration a condition of the hiring, con-
15 tinued employment, or compensation, or a term, con-
16 dition, or privilege of employment, of the individ-
17 ual.”.

18 (b) FEDERAL GOVERNMENT EMPLOYMENT.—Section
19 15(a) of such Act (29 U.S.C. 633a(a)) is amended by
20 striking the period and inserting the following: “, includ-
21 ing any unlawful practice described in section 4(g).”.

22 **SEC. 4. AMERICANS WITH DISABILITIES ACT OF 1990.**

23 Section 102 of the Americans with Disabilities Act
24 of 1990 (42 U.S.C. 12112) is amended—

25 (1) in subsection (b)—

1 (A) at the end of paragraph (6), by strik-
2 ing “and”;

3 (B) in paragraph (7), by striking the pe-
4 riod and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(8) conducting an act prohibited by subsection
7 (c).”;

8 (2) by redesignating subsections (c) and (d) as
9 subsections (d) and (e), respectively; and

10 (3) by inserting after subsection (b) the follow-
11 ing:

12 “(c) PROHIBITION ON REQUIRED SUBMISSION TO
13 MANDATORY ARBITRATION.—No covered entity shall dis-
14 criminate against a qualified individual with a disability—

15 “(1) in regard to job application procedures,
16 the hiring, advancement, or discharge of employees,
17 employee compensation, job training, and other
18 terms, conditions, and privileges of employment, be-
19 cause the individual refuses to submit any claim
20 under this title to mandatory arbitration; or

21 “(2) by making the submission of such claim to
22 mandatory arbitration a condition of the eligibility to
23 apply for employment, hiring, advancement, contin-
24 ued employment, employee compensation, or job

1 training, or a term, condition, or privilege of employ-
2 ment, of the individual.”.

3 **SEC. 5. REHABILITATION ACT OF 1973.**

4 (a) EMPLOYMENT BY DEPARTMENTS, AGENCIES,
5 AND INSTRUMENTALITIES.—Section 501(b) of the Reha-
6 bilitation Act of 1973 (29 U.S.C. 791(b)) is amended by
7 inserting after the first sentence the following: “Such plan
8 shall include provisions prohibiting the department, agen-
9 cy, or instrumentality from conducting any discrimination
10 prohibited under section 102(c) of the Americans with
11 Disabilities Act of 1990 (42 U.S.C. 12112(c)) with respect
12 to a claim under this section.”.

13 (b) EMPLOYMENT UNDER FEDERAL CONTRACTS.—
14 Section 503(a) of the Rehabilitation Act of 1973 (29
15 U.S.C. 793(a)) is amended by inserting after the first sen-
16 tence the following: “Such contract shall include provi-
17 sions prohibiting the party from conducting any discrimi-
18 nation prohibited under section 102(c) of the Americans
19 with Disabilities Act of 1990 (42 U.S.C. 12112(c)) with
20 respect to a claim under this section.”.

21 **SEC. 6. REVISED STATUTES.**

22 Section 1977 of the Revised Statutes (42 U.S.C.
23 1981) is amended—

24 (1) by redesignating subsections (b) and (c) as
25 subsections (c) and (d), respectively; and

1 (2) by inserting after subsection (a) the follow-
2 ing:

3 “(b) With respect to contracts relating to employment
4 between such a person and another individual or entity,
5 no such individual or entity shall—

6 “(1) fail or refuse to hire or to discharge the
7 person, or otherwise to discriminate against the per-
8 son with respect to the compensation, terms, condi-
9 tions, or privileges of employment of the person, be-
10 cause the person refuses to submit any claim under
11 this section to mandatory arbitration; or

12 “(2) make the submission of such claim to
13 mandatory arbitration a condition of the hiring, con-
14 tinued employment, or compensation, or a term, con-
15 dition, or privilege of employment, of the person.”.

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