

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 190

To strengthen the authority of the Equal Employment Opportunity Commission to enforce nondiscrimination policies in Federal employment.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mrs. COLLINS of Illinois introduced the following bill; which was referred to the Committee on Economic and Educational Opportunities and, in addition, to the Committee on Government Reform and Oversight, 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

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## A BILL

To strengthen the authority of the Equal Employment Opportunity Commission to enforce nondiscrimination policies in Federal employment.

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 “Equal Employment  
5 Opportunity Commission Amendments of 1995”.

1 **SEC. 2. INCREASED ENFORCEMENT POWERS FOR THE**  
2 **EQUAL EMPLOYMENT OPPORTUNITY COM-**  
3 **MISSION.**

4 Section 717 of the Civil Rights Act of 1964 (42  
5 U.S.C. 2000e-16) is amended by adding at the end there-  
6 of the following:

7 “(f)(1) If any agency, department, or unit referred  
8 to in subsection (a) fails to submit the plan required under  
9 subsection (b) by the time established by the Commission,  
10 the Commission may request the head of such agency, de-  
11 partment, or unit (or the designated representative of such  
12 individual) to appear before the Commission to explain the  
13 reasons for the failure to submit the plan and to present  
14 any objections to any requirement of the Commission with  
15 respect to such plan.

16 “(2) If, after the head of any agency, department,  
17 or unit described in paragraph (1) has been given an op-  
18 portunity for hearing by the Commission pursuant to such  
19 paragraph, such agency, department, or unit has not sub-  
20 mitted the plan required under subsection (b), the Com-  
21 mission shall order such agency, department, or unit or  
22 any officer or employee of such agency, department, or  
23 unit to submit the plan before the end of such period as  
24 the Commission determines to be reasonable. The Com-  
25 mission shall enforce compliance with such order.

1 “(3)(A) In enforcing compliance with any order  
2 under paragraph (2), the Commission may initiate a pro-  
3 ceeding to determine—

4 “(i) who is the officer or employee of the  
5 United States responsible for the failure of the agen-  
6 cy, department, or unit to comply with such order  
7 and the circumstances surrounding the failure to  
8 comply, and

9 “(ii) whether any disciplinary action is war-  
10 ranted against such officer or employee for such fail-  
11 ure to comply.

12 The Commission, after investigation and consideration of  
13 the evidence submitted, shall submit its findings and rec-  
14 ommendations to the administrative head of the agency,  
15 department, or unit in which such officer or employee is  
16 employed and shall send copies of the findings to the offi-  
17 cer or employee or his representative. The administrative  
18 head of the agency, department, or unit in which such offi-  
19 cer or employee is employed shall take any action rec-  
20 ommended by the Commission.

21 “(B) In enforcing compliance with any order under  
22 paragraph (2), the Commission may issue an order that—

23 “(i) any officer or employee of the agency, de-  
24 partment, or unit charged with complying with the  
25 order under paragraph (2), or

1           “(ii) any officer or employee of the United  
2 States determined under subparagraph (A) to be re-  
3 sponsible for the failure of the agency, department,  
4 or unit to comply with the order under paragraph  
5 (2),

6 who is not an officer or employee appointed by the Presi-  
7 dent by and with the advice and consent of the Senate,  
8 shall not be entitled to receive payment for service as an  
9 officer or employee for the period during which the order  
10 under paragraph (2) has not been complied with. The  
11 Commission shall certify to the Comptroller General of the  
12 United States that an order under this paragraph has  
13 been issued and no payment shall be made out of the  
14 Treasury of the United States for any service specified in  
15 such order.

16           “(C) In enforcing compliance with any order under  
17 paragraph (2) with respect to any officer or employee de-  
18 scribed in clause (i) or (ii) of subparagraph (B) who is  
19 an officer or employee appointed by the President by and  
20 with the advice and consent of the Senate, the Commission  
21 may notify the President that such officer or employee has  
22 failed to obey a lawfully issued order of the Commission.

23           “(g)(1) The authority of the Commission under sec-  
24 tion 710 to summon witnesses and compel the production  
25 of evidence includes the authority to subpoena any officer

1 or employee of the United States who has custody of any  
2 information which the Commission determines to be nec-  
3 essary or appropriate to enable it to carry out any duty  
4 imposed under this section and to compel the production  
5 of such evidence by such officer or employee.

6 “(2) The authority of the Commission under section  
7 710 to apply for the aid of a district court of the United  
8 States to summon witnesses and compel the production  
9 of evidence includes the authority to seek such aid to sum-  
10 mon officers or employees of the United States as wit-  
11 nesses and to compel the production of evidence referred  
12 to in paragraph (1).

13 “(3) For purposes of any civil action relating to any  
14 subpoena issued by the Commission to summon a witness  
15 or compel the production of any evidence referred to in  
16 paragraph (1), the limitation contained in section  
17 705(b)(2) shall not apply.”.

18 **SEC. 3. CLARIFICATION OF CONGRESSIONAL INTENT WITH**  
19 **RESPECT TO CONTENT OF AFFIRMATIVE AC-**  
20 **TION PLANS.**

21 (a) EMPLOYMENT GOALS.—Section 717(b) is amend-  
22 ed by inserting before the last sentence the following:  
23 “Such plan shall also include the numerical employment  
24 goals established by such agency, department, or unit  
25 under section 7201(d) of title 5, United States Code.”.

1           (b) CONFORMING AMENDMENT.—Section 7201(d)(1)  
2 of title 5, United States Code, is amended by striking “;  
3 and” at the end thereof and inserting the following:  
4 “which shall include the requirement that each Executive  
5 agency shall establish numerical employment goals for the  
6 purpose of measuring the progress of such agency toward  
7 achieving the requirements of this section and section  
8 717(a) of the Civil Rights Act of 1964;”.

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