

103^D CONGRESS
1ST SESSION

H. R. 2787

To amend title VII of the Civil Rights Act of 1964 to specify certain evidentiary matters relating to establishing an unlawful employment practice based on disparate treatment.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 1993

Mr. MANN introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend title VII of the Civil Rights Act of 1964 to specify certain evidentiary matters relating to establishing an unlawful employment practice based on disparate treatment.

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 “Employment Discrimi-
5 nation Evidentiary Amendment of 1993”.

1 **SEC. 2. AMENDMENT.**

2 Section 706 of the Civil Rights Act of 1964 (42
3 U.S.C. 2000e-5) is amended by adding at the end the fol-
4 lowing:

5 “(l)(1) An unlawful employment practice based on
6 disparate treatment is established if—

7 “(A) the complaining party proves by a prepon-
8 derance of the evidence a prima facie case that the
9 respondent engaged in such practice; and

10 “(B) either—

11 “(i) the respondent fails to produce any
12 evidence to rebut such case; or

13 “(ii)(I) the respondent articulates, and
14 produces evidence of, one or more legitimate,
15 nondiscriminatory reasons for the conduct al-
16 leged to be the unlawful employment practice;
17 and

18 “(II) the complaining party demonstrates
19 that each of such reasons is not true, but a pre-
20 text for discrimination that is the unlawful em-
21 ployment practice.

22 “(2) Paragraph (1) shall not be construed to specify
23 the only mean by which an unlawful employment practice
24 based on disparate treatment may be established.”.

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