

104TH CONGRESS
2D SESSION

H. R. 3646

To provide private remedies for certain instances of sexual harassment, and to provide additional funding for the Equal Employment Opportunity Commission.

IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 1996

Mrs. LOWEY (for herself, Ms. NORTON, Mr. CONYERS, Mr. WATT of North Carolina, Ms. JACKSON-LEE, Ms. WOOLSEY, Ms. PELOSI, Mrs. MEEK of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MALONEY, Mrs. CLAYTON, Ms. RIVERS, Ms. MCKINNEY, Ms. BROWN of Florida, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BROWN of California, Mr. DOOLEY of California, Mr. FROST, Mr. GUTIERREZ, Mr. HILLIARD, Mr. LANTOS, and Mr. THOMPSON) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Economic and Educational Opportunities, 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

A BILL

To provide private remedies for certain instances of sexual harassment, and to provide additional funding for the Equal Employment Opportunity Commission.

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 “Sexual Harassment
5 Prevention Act of 1996”.

1 **SEC. 2. CIVIL ACTION.**

2 (a) **GENERALLY.**—Whoever (including a govern-
3 mental entity), in or affecting interstate or foreign com-
4 merce—

5 (1) engages in any sexual harassment; or

6 (2) retaliates against any person for opposing
7 sexual harassment or filing a complaint, or otherwise
8 participating in any manner, in a civil action under
9 paragraph (1);

10 shall be liable to the person injured by that harassment
11 or retaliation for any appropriate relief, which may include
12 money damages. In a civil action under this section, the
13 court may award a prevailing plaintiff a reasonable attor-
14 neys' fee and other litigation expenses (including expert
15 witness fees) as a part of the costs.

16 (b) **WHAT CONSTITUTES SEXUAL HARASSMENT.**—

17 (1) **GENERALLY.**—As used in this section, the
18 term “sexual harassment” means conduct described
19 in paragraph (2) in a relationship described in para-
20 graph (3).

21 (2) **CONDUCT.**—The conduct referred to in
22 paragraph (1) is an unwelcome sexual advance, un-
23 welcome request for sexual favors, or other unwel-
24 come conduct of a sexual nature where—

1 (A) submission to such conduct is either
2 explicitly or implicitly a term or condition of the
3 relationship described in paragraph (3);

4 (B) submission to or rejection of such con-
5 duct is the basis for decisions or actions regard-
6 ing the person who submitted to or rejected
7 that conduct; or

8 (C) such conduct has the purpose or effect
9 of unreasonably interfering with the relation-
10 ship described in paragraph (3) or creates an
11 intimidating, hostile, or offensive environment
12 within that relationship.

13 (3) RELATIONSHIP.—The relationship referred
14 to in paragraphs (1) and (2) is a relationship—

15 (A) between a patient and a physician,
16 psychotherapist, or dentist;

17 (B) between a client and an attorney, mar-
18 riage, family, or child counselor, social worker,
19 or accountant;

20 (C) between a beneficiary and an executor,
21 trustee, or administrator of a trust or estate;

22 (D) between an employee and an employer,
23 if the employer has fewer than 15 employees for
24 each working day in each of 33 or more cal-

1 endar weeks in the current and in the preceding
2 calendar year; or

3 (E) between the parties to a contract or
4 between persons negotiating a contract or seek-
5 ing to enforce claimed rights under a contract.

6 (c) EFFECTIVE DATE.—This Act shall take effect
7 180 days after the date of the enactment of this Act.

8 **SEC. 3. ADDITIONAL FUNDING FOR THE EQUAL EMPLOY-**
9 **MENT OPPORTUNITY COMMISSION.**

10 In addition to any other sums authorized to be appro-
11 priated to the Equal Employment Opportunity Commis-
12 sion, there are authorized to be appropriated to such Com-
13 mission \$268,000,000 for fiscal year 1997, and such sums
14 thereafter as may be necessary.

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