

Union Calendar No. 396

116TH CONGRESS
2D SESSION

H. R. 2694

[Report No. 116–494, Part I]

To eliminate discrimination and promote women’s health and economic security by ensuring reasonable workplace accommodations for workers whose ability to perform the functions of a job are limited by pregnancy, childbirth, or a related medical condition.

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2019

Mr. NADLER (for himself, Mr. KATKO, Mrs. MCBATH, Ms. HERRERA BEUTLER, and Mr. SCOTT of Virginia) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committees on House Administration, Oversight and Reform, and the Judiciary, 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

SEPTEMBER 8, 2020

Additional sponsors: Ms. BONAMICI, Mr. AGUILAR, Mrs. BEATTY, Mr. BEYER, Mr. BLUMENAUER, Ms. BROWNLEY of California, Mrs. BUSTOS, Mr. CARBAJAL, Mr. CARTWRIGHT, Ms. JUDY CHU of California, Mr. CICILLINE, Ms. CLARK of Massachusetts, Ms. CLARKE of New York, Mr. CLEAVER, Mr. COHEN, Mrs. WATSON COLEMAN, Mr. CONNOLLY, Mr. COOPER, Mr. COURTNEY, Mr. COX of California, Mr. CUMMINGS, Mrs. DAVIS of California, Ms. DEAN, Mr. DEFazio, Ms. DELAURO, Ms. DELBENE, Mr. DESAULNIER, Mr. DEUTCH, Mrs. DINGELL, Mr. ENGEL, Mr. ESPAILLAT, Mr. FOSTER, Ms. FRANKEL, Ms. FUDGE, Mr. GALLEG0, Mr. GARAMENDI, Ms. GARCIA of Texas, Ms. ESCOBAR, Mr. GRIJALVA, Ms. HAALAND, Mr. HARDER of California, Mr. HASTINGS, Mrs. HAYES, Mr. HECK, Mr. HIMES, Ms. HOULAHAN, Mr. HURD of Texas, Ms. JAYAPAL, Mr. JOHNSON of Georgia, Ms. KAPTUR, Ms. KELLY of Illinois, Mr. KENNEDY, Mr. KILDEE, Mr. KILMER, Mr. KRISHNAMOORTHY, Mr. LANGEVIN, Mr. LARSEN of Washington, Ms. LEE of California, Mr. LEWIS, Mr. TED LIEU of California, Mr. LIPINSKI, Ms. LOFGREN, Mr. LOWENTHAL, Mrs. LOWEY, Mr. LYNCH, Mrs. CAROLYN B. MALONEY of

New York, Mr. SEAN PATRICK MALONEY of New York, Ms. McCOLLUM, Mr. MCGOVERN, Mr. MCNERNEY, Ms. MENG, Ms. MOORE, Mr. MORELLE, Mr. MOULTON, Ms. MUCARSEL-POWELL, Ms. NORTON, Ms. OMAR, Mr. PASCRELL, Mr. PERLMUTTER, Mr. PETERS, Ms. PINGREE, Mr. POCAN, Mr. PRICE of North Carolina, Mr. RASKIN, Miss RICE of New York, Mr. RICHMOND, Mr. ROUDA, Ms. ROYBAL-ALLARD, Mr. RYAN, Ms. SÁNCHEZ, Ms. SCANLON, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SERRANO, Mr. SMITH of Washington, Mr. SOTO, Ms. SPEIER, Mr. SWALWELL of California, Mr. TAKANO, Ms. TITUS, Ms. TLAIB, Mr. TONKO, Mrs. TORRES of California, Mrs. TRAHAN, Mr. TRONE, Ms. UNDERWOOD, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Mr. WELCH, Ms. WILD, Mr. YARMUTH, Ms. SCHRIER, Ms. PRESSLEY, Mrs. LEE of Nevada, Ms. DEGETTE, Mr. LARSON of Connecticut, Mr. SIRES, Mr. THOMPSON of Mississippi, Ms. CRAIG, Mrs. LAWRENCE, Mr. GARCÍA of Illinois, Ms. HILL of California, Mr. KEATING, Mr. RUSH, Mr. MEEKS, Mr. EVANS, Mr. CÁRDENAS, Ms. WILSON of Florida, Mr. BROWN of Maryland, Ms. STEVENS, Mr. DANNY K. DAVIS of Illinois, Mr. KHANNA, Mrs. KIRKPATRICK, Mr. HUFFMAN, Mr. GOMEZ, Mrs. DEMINGS, Mrs. LURIA, Mr. NEGUSE, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. DAVID SCOTT of Georgia, Mr. LEVIN of Michigan, Ms. ADAMS, Mr. SHERMAN, Ms. JACKSON LEE, Ms. SHALALA, Mr. CASTEN of Illinois, Ms. MATSUI, Mr. NEAL, Mr. HIGGINS of New York, Mr. SUOZZI, Mr. LOEBSACK, Mr. BERA, Mr. CARSON of Indiana, Mr. SABLAN, Mr. CASTRO of Texas, Mr. RUPPERSBERGER, Mr. LEVIN of California, Mr. NORCROSS, Mrs. NAPOLITANO, Mr. VARGAS, Mr. GONZALEZ of Texas, Mr. CUELLAR, Mr. JEFFRIES, Ms. ESHOO, Mr. CISNEROS, Ms. CASTOR of Florida, Ms. BASS, Ms. GABBARD, Mr. HORSFORD, Ms. FINKENAUER, Mr. QUIGLEY, Mr. ALLRED, Mr. KIND, Mr. ROSE of New York, Ms. WEXTON, Mr. LAMB, Mr. COSTA, Mr. BUTTERFIELD, Mr. VEASEY, Mr. LUJÁN, Mrs. AXNE, Mr. MALINOWSKI, Mr. PAPPAS, Mr. FITZPATRICK, Mr. LAWSON of Florida, Mr. STANTON, Ms. KUSTER of New Hampshire, Mr. SARBANES, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. RODNEY DAVIS of Illinois, Ms. OCASIO-CORTEZ, Ms. SLOTKIN, Mr. CUNNINGHAM, Ms. KENDRA S. HORN of Oklahoma, Mr. PANETTA, Ms. PORTER, Mrs. FLETCHER, Ms. STEFANIK, Ms. BLUNT ROCHESTER, Mr. GOTTHEIMER, Mr. RUIZ, Ms. WATERS, Mr. CLAY, Mr. PALLONE, Mr. BRINDISI, Mr. BALDERSON, Mrs. RODGERS of Washington, Mrs. BROOKS of Indiana, Ms. SEWELL of Alabama, Mr. WALDEN, Mr. VISCLOSKEY, Mr. PAYNE, Mr. UPTON, Mr. PHILLIPS, Mr. KIM, Ms. BARRAGÁN, Mr. McEACHIN, Mr. FORTENBERRY, Mr. BISHOP of Georgia, Mr. VAN DREW, Mr. DIAZ-BALART, Mr. O'HALLERAN, Mr. SCHNEIDER, Mr. BACON, Mr. GOLDEN, Mr. CROW, Mrs. MURPHY of Florida, Mr. COLE, Mr. VELA, Ms. JOHNSON of Texas, Mr. SAN NICOLAS, Ms. TORRES SMALL of New Mexico, Mr. CORREA, and Ms. SPANBERGER

SEPTEMBER 8, 2020

Reported from the Committee on Education and Labor with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

SEPTEMBER 8, 2020

Committees on House Administration, Oversight and Reform, and the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on May 14, 2019]

A BILL

To eliminate discrimination and promote women’s health and economic security by ensuring reasonable workplace accommodations for workers whose ability to perform the functions of a job are limited by pregnancy, childbirth, or a related medical condition.

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 “Pregnant Workers Fair-*
5 *ness Act”.*

6 **SEC. 2. NONDISCRIMINATION WITH REGARD TO REASON-**
7 **ABLE ACCOMMODATIONS RELATED TO PREG-**
8 **NANCY.**

9 *It shall be an unlawful employment practice for a cov-*
10 *ered entity to—*

11 *(1) not make reasonable accommodations to the*
12 *known limitations related to the pregnancy, child-*
13 *birth, or related medical conditions of a qualified em-*
14 *ployee, unless such covered entity can demonstrate*
15 *that the accommodation would impose an undue*
16 *hardship on the operation of the business of such cov-*
17 *ered entity;*

18 *(2) require a qualified employee affected by preg-*
19 *nancy, childbirth, or related medical conditions to ac-*
20 *cept an accommodation other than any reasonable ac-*
21 *commodation arrived at through the interactive proc-*
22 *ess referred to in section 5(7);*

23 *(3) deny employment opportunities to a quali-*
24 *fied employee if such denial is based on the need of*
25 *the covered entity to make reasonable accommodations*

1 *to the known limitations related to the pregnancy,*
 2 *childbirth, or related medical conditions of a qualified*
 3 *employee;*

4 *(4) require a qualified employee to take leave,*
 5 *whether paid or unpaid, if another reasonable accom-*
 6 *modation can be provided to the known limitations*
 7 *related to the pregnancy, childbirth, or related med-*
 8 *ical conditions of a qualified employee; or*

9 *(5) take adverse action in terms, conditions, or*
 10 *privileges of employment against a qualified employee*
 11 *on account of the employee requesting or using a rea-*
 12 *sonable accommodation to the known limitations re-*
 13 *lated to the pregnancy, childbirth, or related medical*
 14 *conditions of the employee.*

15 **SEC. 3. REMEDIES AND ENFORCEMENT.**

16 *(a) EMPLOYEES COVERED BY TITLE VII OF THE CIVIL*
 17 *RIGHTS ACT OF 1964.—*

18 *(1) IN GENERAL.—The powers, remedies, and*
 19 *procedures provided in sections 705, 706, 707, 709,*
 20 *710, and 711 of the Civil Rights Act of 1964 (42*
 21 *U.S.C. 2000e–4 et seq.) to the Commission, the Attor-*
 22 *ney General, or any person alleging a violation of*
 23 *title VII of such Act (42 U.S.C. 2000e et seq.) shall*
 24 *be the powers, remedies, and procedures this Act pro-*
 25 *vides to the Commission, the Attorney General, or*

1 *any person, respectively, alleging an unlawful em-*
 2 *ployment practice in violation of this Act against an*
 3 *employee described in section 5(3)(A) except as pro-*
 4 *vided in paragraphs (2) and (3) of this subsection.*

5 (2) *COSTS AND FEES.—The powers, remedies,*
 6 *and procedures provided in subsections (b) and (c) of*
 7 *section 722 of the Revised Statutes (42 U.S.C. 1988)*
 8 *shall be the powers, remedies, and procedures this Act*
 9 *provides to the Commission, the Attorney General, or*
 10 *any person alleging such practice.*

11 (3) *DAMAGES.—The powers, remedies, and pro-*
 12 *cedures provided in section 1977A of the Revised*
 13 *Statutes (42 U.S.C. 1981a), including the limitations*
 14 *contained in subsection (b)(3) of such section 1977A,*
 15 *shall be the powers, remedies, and procedures this Act*
 16 *provides to the Commission, the Attorney General, or*
 17 *any person alleging such practice (not an employ-*
 18 *ment practice specifically excluded from coverage*
 19 *under section 1977A(a)(1) of the Revised Statutes).*

20 (b) *EMPLOYEES COVERED BY CONGRESSIONAL AC-*
 21 *COUNTABILITY ACT OF 1995.—*

22 (1) *IN GENERAL.—The powers, remedies, and*
 23 *procedures provided in the Congressional Account-*
 24 *ability Act of 1995 (2 U.S.C. 1301 et seq.) to the*
 25 *Board (as defined in section 101 of such Act (2*

1 *U.S.C. 1301)) or any person alleging a violation of*
2 *section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1))*
3 *shall be the powers, remedies, and procedures this Act*
4 *provides to the Board or any person, respectively, al-*
5 *leging an unlawful employment practice in violation*
6 *of this Act against an employee described in section*
7 *5(3)(B), except as provided in paragraphs (2) and (3)*
8 *of this subsection.*

9 (2) *COSTS AND FEES.—The powers, remedies,*
10 *and procedures provided in subsections (b) and (c) of*
11 *section 722 of the Revised Statutes (42 U.S.C. 1988)*
12 *shall be the powers, remedies, and procedures this Act*
13 *provides to the Board or any person alleging such*
14 *practice.*

15 (3) *DAMAGES.—The powers, remedies, and pro-*
16 *cedures provided in section 1977A of the Revised*
17 *Statutes (42 U.S.C. 1981a), including the limitations*
18 *contained in subsection (b)(3) of such section 1977A,*
19 *shall be the powers, remedies, and procedures this Act*
20 *provides to the Board or any person alleging such*
21 *practice (not an employment practice specifically ex-*
22 *cluded from coverage under section 1977A(a)(1) of the*
23 *Revised Statutes).*

24 (4) *OTHER APPLICABLE PROVISIONS.—With re-*
25 *spect to a claim alleging a practice described in para-*

1 *graph (1), title III of the Congressional Account-*
 2 *ability Act of 1995 (2 U.S.C. 1381 et seq.) shall apply*
 3 *in the same manner as such title applies with respect*
 4 *to a claim alleging a violation of section 201(a)(1) of*
 5 *such Act (2 U.S.C. 1311(a)(1)).*

6 *(c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE*
 7 *3, UNITED STATES CODE.—*

8 *(1) IN GENERAL.—The powers, remedies, and*
 9 *procedures provided in chapter 5 of title 3, United*
 10 *States Code, to the President, the Commission, the*
 11 *Merit Systems Protection Board, or any person alleg-*
 12 *ing a violation of section 411(a)(1) of such title shall*
 13 *be the powers, remedies, and procedures this Act pro-*
 14 *vides to the President, the Commission, the Board, or*
 15 *any person, respectively, alleging an unlawful em-*
 16 *ployment practice in violation of this Act against an*
 17 *employee described in section 5(3)(C), except as pro-*
 18 *vided in paragraphs (2) and (3) of this subsection.*

19 *(2) COSTS AND FEES.—The powers, remedies,*
 20 *and procedures provided in subsections (b) and (c) of*
 21 *section 722 of the Revised Statutes (42 U.S.C. 1988)*
 22 *shall be the powers, remedies, and procedures this Act*
 23 *provides to the President, the Commission, the Board,*
 24 *or any person alleging such practice.*

1 (3) *DAMAGES.*—*The powers, remedies, and pro-*
2 *cedures provided in section 1977A of the Revised*
3 *Statutes (42 U.S.C. 1981a), including the limitations*
4 *contained in subsection (b)(3) of such section 1977A,*
5 *shall be the powers, remedies, and procedures this Act*
6 *provides to the President, the Commission, the Board,*
7 *or any person alleging such practice (not an employ-*
8 *ment practice specifically excluded from coverage*
9 *under section 1977A(a)(1) of the Revised Statutes).*

10 (d) *EMPLOYEES COVERED BY GOVERNMENT EM-*
11 *PLOYEE RIGHTS ACT OF 1991.*—

12 (1) *IN GENERAL.*—*The powers, remedies, and*
13 *procedures provided in sections 302 and 304 of the*
14 *Government Employee Rights Act of 1991 (42 U.S.C.*
15 *2000e–16b; 2000e–16c) to the Commission or any per-*
16 *son alleging a violation of section 302(a)(1) of such*
17 *Act (42 U.S.C. 2000e–16b(a)(1)) shall be the powers,*
18 *remedies, and procedures this Act provides to the*
19 *Commission or any person, respectively, alleging an*
20 *unlawful employment practice in violation of this Act*
21 *against an employee described in section 5(3)(D), ex-*
22 *cept as provided in paragraphs (2) and (3) of this*
23 *subsection.*

24 (2) *COSTS AND FEES.*—*The powers, remedies,*
25 *and procedures provided in subsections (b) and (c) of*

1 *section 722 of the Revised Statutes (42 U.S.C. 1988)*
2 *shall be the powers, remedies, and procedures this Act*
3 *provides to the Commission or any person alleging*
4 *such practice.*

5 (3) *DAMAGES.—The powers, remedies, and pro-*
6 *cedures provided in section 1977A of the Revised*
7 *Statutes (42 U.S.C. 1981a), including the limitations*
8 *contained in subsection (b)(3) of such section 1977A,*
9 *shall be the powers, remedies, and procedures this Act*
10 *provides to the Commission or any person alleging*
11 *such practice (not an employment practice specifi-*
12 *cally excluded from coverage under section*
13 *1977A(a)(1) of the Revised Statutes).*

14 (e) *EMPLOYEES COVERED BY SECTION 717 OF THE*
15 *CIVIL RIGHTS ACT OF 1964.—*

16 (1) *IN GENERAL.—The powers, remedies, and*
17 *procedures provided in section 717 of the Civil Rights*
18 *Act of 1964 (42 U.S.C. 2000e–16) to the Commission,*
19 *the Attorney General, the Librarian of Congress, or*
20 *any person alleging a violation of that section shall*
21 *be the powers, remedies, and procedures this Act pro-*
22 *vides to the Commission, the Attorney General, the*
23 *Librarian of Congress, or any person, respectively, al-*
24 *leging an unlawful employment practice in violation*
25 *of this Act against an employee described in section*

1 5(3)(E), *except as provided in paragraphs (2) and (3)*
2 *of this subsection.*

3 (2) *COSTS AND FEES.—The powers, remedies,*
4 *and procedures provided in subsections (b) and (c) of*
5 *section 722 of the Revised Statutes (42 U.S.C. 1988)*
6 *shall be the powers, remedies, and procedures this Act*
7 *provides to the Commission, the Attorney General, the*
8 *Librarian of Congress, or any person alleging such*
9 *practice.*

10 (3) *DAMAGES.—The powers, remedies, and pro-*
11 *cedures provided in section 1977A of the Revised*
12 *Statutes (42 U.S.C. 1981a), including the limitations*
13 *contained in subsection (b)(3) of such section 1977A,*
14 *shall be the powers, remedies, and procedures this Act*
15 *provides to the Commission, the Attorney General, the*
16 *Librarian of Congress, or any person alleging such*
17 *practice (not an employment practice specifically ex-*
18 *cluded from coverage under section 1977A(a)(1) of the*
19 *Revised Statutes).*

20 (f) *PROHIBITION AGAINST RETALIATION.—*

21 (1) *IN GENERAL.—No person shall discriminate*
22 *against any employee because such employee has op-*
23 *posed any act or practice made unlawful by this Act*
24 *or because such employee made a charge, testified, as-*

1 sisted, or participated in any manner in an inves-
2 tigation, proceeding, or hearing under this Act.

3 (2) *PROHIBITION AGAINST COERCION.*—It shall
4 be unlawful to coerce, intimidate, threaten, or inter-
5 fere with any individual in the exercise or enjoyment
6 of, or on account of such individual having exercised
7 or enjoyed, or on account of such individual having
8 aided or encouraged any other individual in the exer-
9 cise or enjoyment of, any right granted or protected
10 by this Act.

11 (3) *REMEDY.*—The remedies and procedures oth-
12 erwise provided for under this section shall be avail-
13 able to aggrieved individuals with respect to viola-
14 tions of this subsection.

15 (g) *LIMITATION.*—Notwithstanding subsections (a)(3),
16 (b)(3), (c)(3), (d)(3), and (e)(3), if an unlawful employment
17 practice involves the provision of a reasonable accommoda-
18 tion pursuant to this Act or regulations implementing this
19 Act, damages may not be awarded under section 1977A of
20 the Revised Statutes (42 U.S.C. 1981a) if the covered entity
21 demonstrates good faith efforts, in consultation with the em-
22 ployee with known limitations related to pregnancy, child-
23 birth, or related medical conditions who has informed the
24 covered entity that accommodation is needed, to identify
25 and make a reasonable accommodation that would provide

1 *such employee with an equally effective opportunity and*
 2 *would not cause an undue hardship on the operation of the*
 3 *covered entity.*

4 **SEC. 4. RULEMAKING.**

5 *Not later than 2 years after the date of enactment of*
 6 *this Act, the Commission shall issue regulations in an acces-*
 7 *sible format in accordance with subchapter II of chapter*
 8 *5 of title 5, United States Code, to carry out this Act. Such*
 9 *regulations shall provide examples of reasonable accom-*
 10 *modations addressing known limitations related to preg-*
 11 *nancy, childbirth, or related medical conditions.*

12 **SEC. 5. DEFINITIONS.**

13 *As used in this Act—*

14 *(1) the term “Commission” means the Equal*
 15 *Employment Opportunity Commission;*

16 *(2) the term “covered entity”—*

17 *(A) has the meaning given the term “re-*
 18 *spondent” in section 701(n) of the Civil Rights*
 19 *Act of 1964 (42 U.S.C. 2000e(n)); and*

20 *(B) includes—*

21 *(i) an employer, which means a person*
 22 *engaged in industry affecting commerce who*
 23 *has 15 or more employees as defined in sec-*
 24 *tion 701(b) of title VII of the Civil Rights*
 25 *Act of 1964 (42 U.S.C. 2000e(b));*

1 (ii) an employing office, as defined in
2 section 101 of the Congressional Account-
3 ability Act of 1995 (2 U.S.C. 1301) and sec-
4 tion 411(c) of title 3, United States Code;

5 (iii) an entity employing a State em-
6 ployee described in section 304(a) of the
7 Government Employee Rights Act of 1991
8 (42 U.S.C. 2000e–16c(a)); and

9 (iv) an entity to which section 717(a)
10 of the Civil Rights Act of 1964 (42 U.S.C.
11 2000e–16(a)) applies;

12 (3) the term “employee” means—

13 (A) an employee (including an applicant),
14 as defined in section 701(f) of the Civil Rights
15 Act of 1964 (42 U.S.C. 2000e(f));

16 (B) a covered employee (including an appli-
17 cant), as defined in section 101 of the Congres-
18 sional Accountability Act of 1995 (2 U.S.C.
19 1301);

20 (C) a covered employee (including an appli-
21 cant), as defined in section 411(c) of title 3,
22 United States Code;

23 (D) a State employee (including an appli-
24 cant) described in section 304(a) of the Govern-

1 *ment Employee Rights Act of 1991 (42 U.S.C.*
2 *2000e–16c(a)); or*

3 *(E) an employee (including an applicant)*
4 *to which section 717(a) of the Civil Rights Act*
5 *of 1964 (42 U.S.C. 2000e–16(a)) applies;*

6 *(4) the term “person” has the meaning given*
7 *such term in section 701(a) of the Civil Rights Act of*
8 *1964 (42 U.S.C. 2000e(a));*

9 *(5) the term “known limitation” means physical*
10 *or mental condition related to, affected by, or arising*
11 *out of pregnancy, childbirth, or related medical condi-*
12 *tions that the employee or employee’s representative*
13 *has communicated to the employer whether or not*
14 *such condition meets the definition of disability speci-*
15 *fied in section 3 of the Americans with Disabilities*
16 *Act of 1990 (42 U.S.C. 12102);*

17 *(6) the term “qualified employee” means an em-*
18 *ployee or applicant who, with or without reasonable*
19 *accommodation, can perform the essential functions of*
20 *the employment position, except that an employee or*
21 *applicant shall be considered qualified if—*

22 *(A) any inability to perform an essential*
23 *function is for a temporary period;*

24 *(B) the essential function could be per-*
25 *formed in the near future; and*

1 (C) the inability to perform the essential
2 function can be reasonably accommodated; and
3 (7) the terms “reasonable accommodation” and
4 “undue hardship” have the meanings given such
5 terms in section 101 of the Americans with Disabil-
6 ities Act of 1990 (42 U.S.C. 12111) and shall be con-
7 strued as such terms are construed under such Act
8 and as set forth in the regulations required by this
9 Act, including with regard to the interactive process
10 that will typically be used to determine an appro-
11 priate reasonable accommodation.

12 **SEC. 6. WAIVER OF STATE IMMUNITY.**

13 A State shall not be immune under the 11th Amend-
14 ment to the Constitution from an action in a Federal or
15 State court of competent jurisdiction for a violation of this
16 Act. In any action against a State for a violation of this
17 Act, remedies (including remedies both at law and in eq-
18 uity) are available for such a violation to the same extent
19 as such remedies are available for such a violation in an
20 action against any public or private entity other than a
21 State.

22 **SEC. 7. RELATIONSHIP TO OTHER LAWS.**

23 Nothing in this Act shall be construed to invalidate
24 or limit the powers, remedies, and procedures under any
25 Federal law or law of any State or political subdivision

1 *of any State or jurisdiction that provides greater or equal*
2 *protection for individuals affected by pregnancy, childbirth,*
3 *or related medical conditions.*

4 ***SEC. 8. SEVERABILITY.***

5 *If any provision of this Act or the application of that*
6 *provision to particular persons or circumstances is held in-*
7 *valid or found to be unconstitutional, the remainder of this*
8 *Act and the application of that provision to other persons*
9 *or circumstances shall not be affected.*

Union Calendar No. 396

116TH CONGRESS
2^D Session

H. R. 2694

[Report No. 116-494, Part I]

A BILL

To eliminate discrimination and promote women's health and economic security by ensuring reasonable workplace accommodations for workers whose ability to perform the functions of a job are limited by pregnancy, childbirth, or a related medical condition.

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