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## ***CARDIN AND MIKULSKI CO-SPONSOR CIVIL RIGHTS ACT OF 2008***

*Legislation would restore Congressional Protections against Discrimination*

Washington, DC – U. S. Senators **Benjamin L. Cardin** and **Barbara A. Mikulski** (Both D-MD) announced their co-sponsorship of the ***Civil Rights Act of 2008***. This legislation, introduced by Senator Edward M. Kennedy (D-MA) and Congressman John Lewis (D-GA), would restore the original intent of Congress and strengthen the protections of Americans' civil rights.

“Discrimination for any reason has no place in America. The ***Civil Rights Act of 2008*** is essential to restoring the balance to our system that provides equal opportunity for every American,” said **Senator Cardin**, a member of the Senate Judiciary Committee. “There has been a growing disregard of the original intent of Congress by many conservative judges in the area of civil rights law. For many, this has eroded their chance at achieving the American Dream. I believe Congress must act to reverse this troubling trend.

“The Supreme Court’s decision in *Alexander v. Sandoval* sent a dangerous message about equity in this country. I am proud to team up with my colleagues to right this wrong,” said **Senator Mikulski**. “We need to reexamine what this country must still do to make sure that all Americans are protected from discriminatory acts. This bill ensures that those who have received injustice in the workplace have their fair day in court.”

The ***Civil Rights Act of 2008*** will reinstate accountability for violations of our civil rights and labor laws. It will give individuals the right to challenge practices that have an unjustified discriminatory effect based on race, color, national origin, disability, age or gender. It also provides parity to students, granting the same protection from harassment in school that workers have on the job. Importantly, it holds employers accountable for discrimination against individuals based on their veterans’ status.

The ***Civil Rights Act of 2008*** is co-sponsored by Senators Leahy, Dodd, Lautenberg, Bingaman, Kerry, Harkin, Mikulski, Akaka, Boxer, Feingold, Murray, Durbin, Schumer, Cantwell, Clinton, Obama, Menendez, Cardin, and Brown.

## **BACKGROUND ON THE CIVIL RIGHTS ACT OF 2008**

Congress has enacted bipartisan laws to ensure that federal tax dollars are not used to subsidize discrimination, and that Americans have real remedies when their civil rights are violated. Recent court decisions have weakened these basic protections in ways that Congress never intended. The Civil Rights Act of 2008 would:

### **Ensure that Federal Funds are not Used to Subsidize Discrimination**

- **Allow individuals to seek relief when federal funds subsidize practices that have an unjustified discriminatory effect.** Federal laws prohibit discrimination by recipients of federal funds based on race, national origin, disability, age, or gender. In 2001, however, the Supreme Court held that individuals may no longer challenge federally-funded programs that have an unjustified discriminatory effect, unless they also can meet the heavy burden of proving discriminatory intent. Thus, currently, only the federal government can bring such suits. This bill restores the individual right to challenge practices that have an unjustified discriminatory effect based on race, color, national origin, disability, age or gender.
- **Protect students from harassment in schools that receive federal funds.** It gives students the same protection from unlawful harassment in our schools as adults have on the job. Currently, schools that receive federal funds cannot be held accountable if a teacher or classmate harasses a child unless the school had actual notice of the abuse and did virtually nothing to correct the problem. This is true even if the school has turned a blind eye to clear signs of harassment.

### **Hold Employers Accountable for Age Discrimination**

- **Make state employers fully accountable for age discrimination.** Under a recent Supreme Court decision, state employers do not have to provide back pay or other monetary damages when they discriminate against workers based on age in violation of the Age Discrimination in Employment Act. The bill would require state employers to give workers full relief for age discrimination, including backpay.
- **Clarify the standard for challenging employment practices that have a discriminatory effect based on age.** It makes clear that the standard of proof in cases alleging an unjustified discriminatory effect based on age is the same as in cases alleging an unjustified discriminatory effect based on race, color, gender, national origin, or religion.

### **Improve Accountability for Other Violations of Civil Rights and Workers' Rights**

- Prohibit employers from requiring workers to give up the right to enforce employment laws in court in order to get a job or keep a job.
- Provide attorney's fees and expert fees in major civil rights and labor cases.
- Provide full, effective remedies for victims of discrimination based on gender and religion paralleling those available for race and national origin discrimination claims.
- Provide relief for workers, regardless of immigration status, who are victims of labor and employment law violations.

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