

Civil Rights Enforcement Statutes

18 U.S.C. § 248(c)

Freedom of Access to Clinic Entrances Act (FACE)

Civil Interference with Access to Reproductive Health Services - Section 248 (c) prohibits (1) the use of force or threat of force or physical obstruction, to intentionally injure, intimidate or interfere with or attempt to injure, intimidate or interfere with any person or any class of persons from obtaining or providing reproductive health services; (2) the use of force or threat of force or physical obstruction to intentionally injure, intimidate, or interfere with or attempt to injure, intimidate, or interfere with any person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship; or (3) the intentional damaging or destruction of the property of a facility, or an attempt to do so, because such facility provides reproductive health services or intentional damaging or destruction of the property of a place of religious worship. This statute does not apply to speech or expressive conduct protected by the First Amendment. Non obstructive demonstrations are legal.

42 U.S.C. § 1997 et seq.

Civil Rights of Institutionalized Persons Act (CRIPA)

When there is reasonable cause, the Attorney General has the authority to investigate conditions in public facilities and to initiate a civil action for equitable and corrective relief if a pattern or practice of unlawful actions deprive persons residing in or confined to the facilities of their constitutional or federal statutory rights. Institutions covered under this Act include nursing homes, psychiatric hospitals, mental health facilities, jails, prisons, and juvenile correctional facilities. Privately owned and operated institutions may similarly qualify for such intervention, but may be exempt if certain conditions are met.

34 U.S.C. § 12601

Violent Crime Control And Law Enforcement Act of 1994

The statute makes it unlawful for any governmental authority, or agent thereof, or any person acting on behalf of a governmental authority, to engage in a pattern or practice of conduct by law enforcement officers or by officials or employees of any governmental agency with responsibility for the administration of juvenile justice or the incarceration of juveniles that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States. Appropriate equitable and declaratory relief to eliminate the pattern or practice may be obtained through civil action. Types of misconduct covered include, among others: excessive force; discriminatory harassment; false arrest; coercive sexual conduct; unlawful stops, searches, or arrests.

42 U.S.C. § 12101 *et seq.*
Americans with Disabilities Act (ADA)

The ADA prohibits discrimination on the basis of disability (as defined by statute) in employment, State and local government, public accommodations, commercial facilities, transportation, and telecommunications.

Title I of the ADA requires employers with 15 or more employees to provide qualified individuals with disabilities an equal opportunity to benefit from the full range of employment opportunities available to others, restricts questions with respect to an applicant's disability, and requires employers to make reasonable accommodations for known mental or physical limitations, unless it results in undue hardship.

Title II of the ADA requires State and local governments to provide people with disabilities an equal opportunity to enjoy their programs, services, and activities. Title II also prohibits public transportation authorities from discriminating against people with disabilities in the provision of their services, and requires such authorities to comply with accessibility requirements for new and used vehicles.

Title III of the ADA requires places of public accommodation (*e.g.* restaurants, movie theaters, day care facilities) and commercial facilities to provide people with disabilities an equal opportunity to enjoy programs, services, and activities.

Title IV of the ADA requires common carriers to establish interstate and intrastate telecommunications relay services to enable callers with hearing and speech disabilities, and closed captioning for Federally funded public service announcements

29 U.S.C. § 790 *et seq.*
Section 504 of the Rehabilitation Act of 1973 (Rehab Act)

Section 504 of the Rehab Act prohibits discrimination on the basis of disability in programs conducted by federal agencies, in programs receiving Federal financial assistance, in Federal employment, and in the employment practices of Federal contractors.

42 U.S.C. § 3601 *et seq.*

Fair Housing Act

The Fair Housing Act prohibits housing discrimination in private housing, housing that receives Federal financial assistance, and State and local government housing, on the basis of race, color, religion, sex, disability, familial status, and national origin. It is unlawful to discriminate in any aspect of selling or renting housing or to deny a dwelling to a buyer or renter because of the disability of that individual, an individual associated with the buyer or renter, or an individual who intends to live in the residence. The Act also requires owners of housing facilities to make reasonable exceptions in their policies and operations to allow people with disabilities to have equal housing opportunities. Further, the Act requires landlords to allow tenants with disabilities to make reasonable access-related modifications, and mandates that new multifamily housing units be accessible to persons with disabilities. The Department of Justice is empowered to file cases when there is evidence of a pattern or practice of discrimination.

15 U.S.C. § 1691 *et seq.*

Equal Credit Opportunity Act (ECOA)

The ECOA prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age, because an applicant receives income from a public assistance program, or because an applicant has in good faith exercised any right under the Consumer Credit Protection Act. The Department of Justice is empowered to file a lawsuit under ECOA where there is a pattern or practice of discrimination. While other federal agencies have general regulatory authority over certain types of lenders, ECOA requires that they refer matters to the Justice Department when there is reason to believe that a creditor is engaged in a pattern or practice of discrimination which violates the Act.

50 App. U.S.C. § 501 *et seq.*

Servicemembers Civil Relief Act (SCRA)

The SCRA provides a wide range of protections for individuals entering uniformed service, called to active duty in the military or deployed servicemembers. It is intended to postpone or suspend certain civil obligations, including outstanding credit card debt, mortgage payments, pending trials, taxes, and termination of leases, while deployed. Specifically, the Act protects servicemembers and their families from eviction from housing while on active duty due to non-payment of rent.

**42 U.S.C. § 2000 et seq.
Civil Rights Act of 1964**

Title II prohibits discrimination in certain places of public accommodation, such as hotels, restaurants, nightclubs and theaters. The Department of Justice can bring a lawsuit under Title II when there is reason to believe that a person has engaged in a pattern or practice of discrimination in violation of Title II. The Department can obtain injunctive, but not monetary, relief in such cases. Individuals can also file suit to enforce their rights under Title II and other federal and state statutes may also provide remedies for discrimination in places of public accommodation.

Title IV prohibits discrimination (including harassment) on the basis of race, color, religion, sex, or national origin in public schools, including K-12 and colleges and universities

Title VI prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance

Title VII makes it unlawful for covered employers to discriminate with respect to compensation, terms, conditions, or privileges of employment on the basis of race, color, religion, sex, or national origin. The Act further prohibits discrimination against an individual because his or her association with another individual of a particular race, color, religion, sex, or national origin, as well as an individual's interracial association with another.

**38 U.S.C. § 4301 et seq.
Uniformed Services Employment and Reemployment Rights Act (USERRA)**

The Act makes it unlawful to deny initial employment, reemployment, retention in employment, promotion, or any benefit of employment to a person who is a member of, applies to be a member or, performs, has performed, applies to perform, or has an obligation to perform uniformed service on the basis of that service. An employer may not discriminate in employment or take any adverse employment action against a person because he or she has taken action to enforce a protection enumerated in the Act, testified or made a statement in connection with a proceeding under the Act, assisted or participated in an investigation under the Act, or exercised a right provided by the Act. An employer is deemed to have engaged in a prohibited action if an individual's uniformed service or actions to preserve rights granted by the Act is a motivating factor in the employer's action. Upon referral from the Secretary of Labor, if the Attorney General is reasonably satisfied that person on whose behalf the complaint is referred is entitled to the rights or benefits sought, he or she may commence an action for relief.

42 U.S.C. § 2000cc-1 et seq.
Religious Land Use and Institutionalized Persons Act (RLUIPA)

RLUIPA protects the religious exercise of persons confined to institutions covered by CRIPA (see above), such as detention centers, mental health facilities and nursing home facilities that occur in a program receiving federal financial assistance or affecting interstate commerce. RLUIPA prohibits a state or local government from substantially burdening the religious exercise of such an institutionalized person, unless the government demonstrates that imposition of the burden furthers a compelling governmental interest and is the least restrictive means available to further that interest. DOJ is authorized to investigate alleged violations of RLUIPA and to file civil lawsuits seeking injunctive or declaratory relief. RLUIPA also enables private individuals to seek judicial remedies for violations.

20 U.S.C. § 1703
Equal Education Opportunities Act of 1974 (EEOA)

The EEOA prohibits deliberate segregation of students on the basis of race, color, sex, or national origin.

Section 1703(f) of the EEOA requires state and local education agencies to take appropriate action to overcome language barriers that impede equal participation by students in the agencies' instructional program.

20 U.S.C. § 1681
Title IX of the Education Amendments of 1972

Title IX prohibits discrimination on the basis of sex in any federally funded education program or activity. The principal objective of Title IX is to avoid the use of federal money to support sex discrimination in education programs and to provide individual citizens effective protection against those practices. Title IX applies, with a few specific exceptions, to all aspects of federally funded education programs or activities. In addition to traditional educational institutions such as colleges, universities, and elementary and secondary schools, Title IX also applies to any education or training program operated by a recipient of federal financial assistance. The Department of Education has issued regulations on the requirements of Title IX, 34 C.F.R. § 106.1et seq. The Title IX common rule published on August 30, 2000 covers education program providers/recipients that are funded by other federal agencies.

52 U.S.C. §§ 10301-10313
Voting Rights Act of 1965

The Voting Rights Act prohibits voting practices and procedures (including redistricting plans and at-large election systems, poll worker hiring, and voter registration procedures) that discriminate on the basis of race, color or membership in a language minority group. Section 2

prohibits not only election-related practices and procedures and monitors elections that are intended to be racially discriminatory, but also those that are shown to have a racially discriminatory result.

52 U.S.C. §§ 20301-20311

Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

UOCAVA protects the rights of members of the United States Uniformed Services and merchant marine; their family members; and United States citizens residing outside the United States to vote absentee in elections for Federal office. Among its key provisions, UOCAVA provides for an application called the Federal Post Card Application that qualified servicemembers and overseas citizens can use to register to vote and request an absentee ballot simultaneously. The law also allows for the use of a "back-up" ballot for federal offices, called the Federal Write-In Absentee Ballot. This ballot may be cast by voters covered by the Act who have made timely application for, but have not received, their regular ballot from their state or territory, subject to certain conditions.

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