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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To expand access for workers experiencing symptoms related to menopause and the menopause transition to reasonable accommodations that enable them to perform the essential functions of their job without risking their health or economic security.

IN THE HOUSE OF REPRESENTATIVES

Mrs. DINGELL introduced the following bill; which was referred to the
Committee on _____

A BILL

To expand access for workers experiencing symptoms related to menopause and the menopause transition to reasonable accommodations that enable them to perform the essential functions of their job without risking their health or economic security.

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 “Menopausal Workers’
5 Fairness Act of 2025”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—The Congress finds the following:

3 (1) Federal law currently does not explicitly
4 protect against discrimination based on menopause
5 and the menopause transition, though employees ex-
6 perienicing symptoms related to menopause and the
7 menopause transition may have protection under
8 laws and regulations -such as the Americans with
9 Disabilities Act- prohibiting employment discrimina-
10 tion, including harassment, on the basis of age, sex,
11 disability, or a combination of these characteristics,
12 and from retaliation for requesting reasonable ac-
13 commodation.

14 (2) Despite existing protections, the topic of
15 menopause and the menopause transition is often
16 surrounded by stigma, and employees may not dis-
17 close the workplace impact of symptoms of meno-
18 pause and the menopause transition or request ac-
19 commodations related to symptoms of menopause
20 and the menopause transition.

21 (3) According to the Women’s Bureau at the
22 United States Department of Labor, menopause has
23 not been addressed comprehensively in the context of
24 work, which has contributed to a lack of under-
25 standing about the impact of menopause and the
26 menopause transition on workers and what types of

1 policies and supports can be implemented to improve
2 their experiences at work.

3 (4) Formal workplace protections for workers
4 experiencing symptoms of menopause and the meno-
5 pause transition would bolster the ability of these
6 workers to fully participate in the workplace, par-
7 ticularly now that women ages 45 to 64 make up
8 over 17 percent of the U.S. labor force; Other coun-
9 tries, such as the United Kingdom, have taken steps
10 to address menopause and the menopause transition
11 in the workplace, recognizing the economic and so-
12 cial costs of failing to accommodate these workers.

13 (b) PURPOSES.—The purposes of this Act are the fol-
14 lowing:

15 (1) To carry out the objective of expanding ac-
16 cess for workers experiencing symptoms related to
17 menopause and the menopause transition to reason-
18 able accommodations that enable them to perform
19 the essential functions of their job without risking
20 their health or economic security.

21 (2) To reduce stigma and promote awareness of
22 menopause and the menopause transition in the
23 workplace by normalizing the provision of accom-
24 modations and addressing the impact of menopause,

1 the menopause transition, and symptoms related to
2 the menopause transition in the workplace.

3 (3) To further align the landscape of workplace
4 protections with updated understandings of women's
5 health, by recognizing menopause and the meno-
6 pause transition as a normal stage of life that re-
7 quires appropriate workplace accommodations to
8 support worker well-being and productivity.

9 (4) To foster increased workplace inclusivity
10 and equity, supporting women throughout their en-
11 tire reproductive life cycle, and ensuring that indi-
12 viduals experiencing symptoms related to menopause
13 and the menopause transition can continue to con-
14 tribute their skills without facing discrimination or
15 unnecessary barriers.

16 (5) To support the retention of experienced em-
17 ployees by improving the workplace impacts of symp-
18 toms of menopause and the menopause transition,
19 thereby promoting economic growth and reducing
20 productivity losses tied to absenteeism, early retire-
21 ment, and reduced job satisfaction.

22 (6) To make it easier for workers experiencing
23 symptoms related to menopause, and the menopause
24 transition to obtain protection under Federal law.

1 **SEC. 3. DEFINITIONS.**

2 As used in this Act—

3 (1) the term “Commission” means the Equal
4 Employment Opportunity Commission;

5 (2) the term “covered entity”—

6 (A) has the meaning given the term “re-
7 spondent” in section 701(n) of the Civil Rights
8 Act of 1964 (42 U.S.C. 2000e–(n)); and

9 (B) includes—

10 (i) an employer, which means a per-
11 son engaged in industry affecting com-
12 merce who has 15 or more employees as
13 defined in section 701(b) of the Civil
14 Rights Act of 1964 (42 U.S.C. 2000e(b));

15 (ii) an employing office, as defined in
16 section 101 of the Congressional Account-
17 ability Act of 1995 (2 U.S.C. 1301) and
18 section 411(c) of title 3 of the United
19 States Code;

20 (iii) an entity employing a State em-
21 ployee described in section 304(a) of the
22 Government Employee Rights Act of 1991
23 (42 U.S.C. 2000e-16c(a)); and

24 (iv) an entity to which section 717(a)
25 of the Civil Rights Act of 1964 (42 U.S.C.
26 2000e-16(a)) applies;

1 (3) the term “employee” means—

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

5 (B) a covered employee (including an ap-
6 plicant), as defined in section 101 of the Con-
7 gressional Accountability Act of 1995 (2 U.S.C.
8 1301), and an individual described in section
9 201(d) of the Congressional Accountability Act
10 of 1995 (2 U.S.C. 1311(d));

11 (C) a covered employee (including an appli-
12 cant), as defined in section 411(c) of title 3 of
13 the United States Code;

14 (D) a State employee (including an appli-
15 cant) described in section 304(a) of the Govern-
16 ment Employee Rights Act of 1991 (42 U.S.C.
17 2000e-16c(a)); or

18 (E) an employee (including an applicant)
19 to which section 717(a) of the Civil Rights Act
20 of 1964 (42 U.S.C. 2000e-16(a)) applies; and

21 (4) the term “known limitation” means physical
22 or mental effects related to, affected by, or arising
23 out of menopause, menopause transition, symptoms,
24 and related effects that the employee or employee’s
25 representative has communicated to the employer

1 whether or not such effects meets the definition of
2 disability specified in section 3 of the Americans
3 with Disabilities Act of 1990 (42 U.S.C. 12102),
4 including but not limited to—

5 (A) mood changes;

6 (B) hot flashes;

7 (C) stiff muscles;

8 (D) irregular or worsening menstrual
9 symptoms;

10 (E) dizziness;

11 (F) sleep disruptions;

12 (G) cognitive issues;

13 (H) joint and muscle pain;

14 (I) fatigue;

15 (J) anxiety;

16 (K) depression;;

17 (L) urine leakage and urinary inconti-
18 nence; or

19 (M) increased urinary tract and gynec-
20 logical infections;

21 (N) dry skin;

22 (O) dry eyes;

23 (P) dry mouth;

24 (Q) racing heart; and

25 (R) headaches.

1 (5) the term “person” has the meaning given
2 such term in section 701(a) of the Civil Rights Act
3 of 1964 (42 U.S.C. 2000e(a));

4 (6) the term “qualified employee” means an
5 employee or applicant who, with or without reason-
6 able accommodation, can perform the essential func-
7 tions of the employment position, except that an em-
8 ployee or applicant shall be considered qualified if—

9 (A) any inability to perform an essential
10 function is for a temporary or intermittent pe-
11 riod;

12 (B) the essential function could be per-
13 formed in the near future, taking into account
14 the episodic nature of the condition;

15 (C) the inability to perform the essential
16 function can be reasonably accommodated; and

17 (7) the terms “reasonable accommodation” and
18 “undue hardship” have the meanings given such
19 terms in section 101 of the Americans with Disabil-
20 ities Act of 1990 (42 U.S.C. 12111) and shall be
21 construed as such terms are construed under such
22 Act and as set forth in the regulations required, in-
23 cluding with regard to the interactive process that
24 will typically be used to determine an appropriate
25 reasonable accommodation ;

1 (A) Predictable Assessments - the individ-
2 ualized assessment of whether a modification
3 listed in section 101 is a reasonable accommo-
4 dation that would cause undue hardship will, in
5 virtually all cases, result in a determination
6 that the modifications listed in subparagraphs
7 (I) through (IV) are reasonable accommoda-
8 tions that will not impose undue hardship when
9 they are requested as accommodations by an
10 employee who is experiencing menopause, meno-
11 pause transition, symptoms, and related effects.
12 Therefore, with respect to these modifications,
13 the individualized assessment should be particu-
14 larly simple and straightforward, without re-
15 quiring documentation.

16 (i) Allowing an employee to carry or
17 keep water near and drink, as needed;

18 (ii) Allowing an employee to take ad-
19 ditional restroom breaks, as needed;

20 (iii) Allowing an employee whose work
21 requires standing to sit and whose work re-
22 quires sitting to stand, as needed; and

23 (iv) Allowing an employee to take
24 breaks to eat and drink, as needed;

1 (v) Any other such modification
2 deemed appropriate by the Commission
3 based on their expertise and on public
4 comment.

5 (8) the terms “menopause, menopause transi-
6 tion, symptoms and related effects” shall be con-
7 strued broadly in favor of expansive coverage to the
8 maximum extent given their variable and intermit-
9 tent nature, and include and include but are not lim-
10 ited to—

11 (A) the term “menopause” refers to a life
12 event—

13 (i) defined by 12 consecutive months
14 of no menstruation;

15 (ii) irreversible and marked by the
16 cessation of menstrual cycling, normally
17 due to a decreased production of ovarian
18 hormones associated with aging; and

19 (iii) often occurs naturally with age,
20 but can also happen due to surgery or
21 medical treatments, including—

22 (I) induced menopause, which re-
23 fers to menopause that results from
24 surgery (removal of the ovaries or

1 uterus), chemotherapy, or radiation
2 therapy;

3 (II) “primary ovarian insuffi-
4 ciency”, which refers to menopause
5 occurring before the age of 40, either
6 naturally or as a result of medical
7 treatment or medical conditions;

8 (B) The term “menopausal transition”, re-
9 fers to a period of time that—

10 (i) largely overlaps with
11 perimenopause;

12 (ii) is often signaled by menstrual ir-
13 regularity;

14 (iii) encompasses the highly sympto-
15 matic years;

16 (iv) marked by fluctuations in estro-
17 gen levels;

18 (v) has been estimated to last about
19 four to eight years; and

20 (vi) ends with the final menstrual pe-
21 riod.

22 (C) the term “menopausal symptoms and
23 related effects” refers to symptoms that occur
24 because of hormone fluctuations. Symptoms can
25 include but are not limited to those listed in

1 subparagraphs (A) through (J) of paragraph
2 (4), which can affect work and overall quality
3 of life patterns.

4 **SEC. 4. NONDISCRIMINATION WITH REGARD TO REASON-**
5 **ABLE ACCOMMODATIONS RELATED TO**
6 **MENOPAUSE.**

7 It shall be an unlawful employment practice for a cov-
8 ered entity to—

9 (1) not make reasonable accommodations to the
10 known limitations related to the menopause, meno-
11 pause transition, symptoms, and related effects of a
12 qualified employee, unless such covered entity can
13 demonstrate that the accommodation would impose
14 an undue hardship on the operation of the business
15 of such covered entity;

16 (2) require a qualified employee affected by
17 menopause, menopause transition, symptoms, or re-
18 lated medical effects to accept an accommodation
19 other than any reasonable accommodation a)).

20 (3) deny employment opportunities to a quali-
21 fied employee if such denial is based on the need of
22 the covered entity to make reasonable accommoda-
23 tions to the known limitations related to the meno-
24 pause, menopause transition, symptoms or related
25 medical effects of the qualified employee;

1 (4) require a qualified employee to take leave,
2 whether arrived at through the interactive process
3 referred to in section 102(7) of the Americans with
4 Disabilities Act of 1990 (42 U.S.C. 12111(7)), paid
5 or unpaid, if another reasonable accommodation can
6 be provided to the known limitations related to the
7 menopause, menopause transition, symptoms, or re-
8 lated medical effects of the qualified employee; or

9 (5) take adverse action in terms, conditions, or
10 privileges of employment against a qualified em-
11 ployee on account of the employee requesting or
12 using a reasonable accommodation to the known lim-
13 itations related to the menopause, menopause transi-
14 tion, symptoms, or related medical effects of the em-
15 ployee .

16 (6) treat information obtained regarding the
17 medical condition or history of the employee as any-
18 thing other than a confidential medical record that
19 is collected and maintained on separate forms and in
20 separate medical files, except that—

21 (A) supervisors and managers may be in-
22 formed regarding necessary restrictions on the
23 work or duties of the employee and necessary
24 accommodations;

1 (B) first aid and safety personnel may be
2 informed, when appropriate, if effects related to
3 menopause or the menopause transition might
4 require emergency treatment; and

5 (C) government officials investigating com-
6 pliance with this chapter shall be provided rel-
7 evant information on the request.

8 **SEC. 5. APPROPRIATION.**

9 There is hereby appropriated \$4,500,000 to carry out
10 this Act.

11 **SEC. 6. REMEDIES AND ENFORCEMENT.**

12 (a) EMPLOYEES COVERED BY TITLE VII OF THE
13 CIVIL RIGHTS ACT OF 1964.—

14 (1) IN GENERAL.—The powers, remedies, and
15 procedures provided in sections 705, 706, 707, 709,
16 710, and 711 of the Civil Rights Act of 1964 (42
17 U.S.C. 2000e-4 et seq.) to the Commission, the At-
18 torney General, or any person alleging a violation of
19 title VII of such Act (42 U.S.C. 2000e et seq.) shall
20 be the powers, remedies, and procedures this Act
21 provides to the Commission, the Attorney General,
22 or any person, respectively, alleging an unlawful em-
23 ployment practice in violation of this Act against an
24 employee described in section 102(3)(A) of the Preg-
25 nant Workers Fairness Act (42 U.S.C.

1 2000gg(3)(A)) except as provided in paragraphs (2)
2 and (3) of this subsection.

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

9 (3) DAMAGES.—The powers, remedies, and pro-
10 cedures provided in section 1977A of the Revised
11 Statutes (42 U.S.C. 1981a), including the limita-
12 tions contained in subsection (b)(3) of such section
13 , shall be the powers, remedies, and procedures this
14 Act provides to the Commission, the Attorney Gen-
15 eral, or any person alleging such practice (not an
16 employment practice specifically excluded from cov-
17 erage under section 1977A(a)(1) of such Act (42
18 U.S.C. 1981a(a)(1)).

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

21 (1) IN GENERAL.—The powers, remedies, and
22 procedures provided in the Congressional Account-
23 ability Act of 1995 (2 U.S.C. 1301 et seq.) for the
24 purposes of addressing allegations of violations of
25 section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1))

1 shall be the powers, remedies, and procedures this
2 Act provides to address an allegation of an unlawful
3 employment practice in violation of such Act against
4 an employee described in section 102(3)(B) of the
5 Pregnant Workers Fairness Act (42 U.S.C.
6 2000gg(3)(B)) except as provided in paragraphs (2)
7 and (3) of this Act.

8 (2) COSTS AND FEES.—The powers, remedies,
9 and procedures provided in subsections (b) and (c)
10 of section 722 of the Revised Statutes (2 U.S.C.
11 1988)) for the purposes of addressing allegations of
12 such a violation shall be the powers, remedies, and
13 procedures this Act provides to address allegations
14 of such 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 limita-
18 tions contained in subsection (b)(3) of such section,
19 for purposes of addressing allegations of such a vio-
20 lation, shall be the powers, remedies, and procedures
21 this Act provides to address any allegation of such
22 practice (not an employment practice specifically ex-
23 cluded from coverage under section 1977A(a)(1) of
24 the Revised Statutes (42 U.S.C. 1981a(a)(1)).

1 (c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE
2 3.—

3 (1) IN GENERAL.—The powers, remedies, and
4 procedures provided in chapter 5 of title 3 of the
5 United States Code to the President, the Commis-
6 sion, the Merit Systems Protection Board, or any
7 person alleging a violation of section 411(a)(1) of
8 such title shall be the powers, remedies, and proce-
9 dures this Act provides to the President, the Com-
10 mission, the Board, or any person, respectively, al-
11 leging an unlawful employment practice in violation
12 of chapter against an employee described in section
13 102(3)(C) of the Pregnant Workers Fairness Act
14 (42 U.S.C. 2000gg(3)(C)) except as provided in
15 paragraphs (2) and (3) of this Act.

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

22 (3) DAMAGES.—The powers, remedies, and pro-
23 cedures provided in section 1977A of the Revised
24 Statutes (42 U.S.C. 1981a), including the limita-
25 tions contained in subsection (b)(3) of such, shall be

1 the powers, remedies, and procedures this Act pro-
2 vides to the President, the Commission, the Board,
3 or any person alleging such practice (not an employ-
4 ment practice specifically excluded from coverage
5 under section 1977Aa(a)(1) of such Act.

6 (d) EMPLOYEES COVERED BY GOVERNMENT EM-
7 PLOYEE RIGHTS ACT OF 1995.—

8 (1) IN GENERAL.—The powers, remedies, and
9 procedures provided in sections 302 and 304 of the
10 Government Employee Rights Act of 1991 (42
11 U.S.C. 2000e-16b; 2000e-16c), to the Commission
12 or any person alleging a violation of section
13 302(a)(1) of such Act (42 U.S.C. 2000e-16b(a)(1))
14 shall be the powers, remedies, and procedures this
15 Act provides to the Commission or any person, re-
16 spectively, alleging an unlawful employment practice
17 in violation of this Act against an employee de-
18 scribed in section 102(3)(D) of the Pregnant Work-
19 ers Fairness Act (42 U.S.C. 2000gg(3)(D)) of this
20 except as provided in paragraphs (2) and (3) of this
21 Act.

22 (2) COSTS AND FEES.—The powers, remedies,
23 and procedures provided in subsections (b) and (c)
24 of section 722 of the Revised Statutes (42 U.S.C.
25 1988) shall be the powers, remedies, and procedures

1 this Act provides to the Commission or any person
2 alleging such practice.

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

12 (e) EMPLOYEES COVERED BY SECTION 717 OF THE
13 CIVIL RIGHTS ACT OF 1964.—

14 (1) IN GENERAL.—The powers, remedies, and
15 procedures provided in section 717 of the Civil
16 Rights Act of 1964 (42 U.S.C. 2000e-16) to the
17 Commission, the Attorney General, the Librarian of
18 Congress, or any person alleging a violation of that
19 section shall be the powers, remedies, and proce-
20 dures this Act provides to the Commission, the At-
21 torney General, the Librarian of Congress, or any
22 person, respectively, alleging an unlawful employ-
23 ment practice in violation of this Act against an em-
24 ployee described in section 102(3)(E) of the Preg-
25 nant Workers Fairness Act (42 U.S.C.

1 2000gg(3)(E)) except as provided in paragraphs (2)
2 and (3) of this subsection.

3 (2) COSTS AND FEES.—The powers, remedies,
4 and procedures provided in subsections (b) and (c)
5 of section 722 of the Revised Statutes (42 U.S.C.
6 1988) shall be the powers, remedies, and procedures
7 this Act provides to the Commission, the Attorney
8 General, the Librarian of Congress, or any person
9 alleging such 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 limita-
13 tions contained in subsection (b)(3) of such section,
14 shall be the powers, remedies, and procedures this
15 Act provides to the Commission, the Attorney Gen-
16 eral, the Librarian of Congress, or any person alleg-
17 ing such practice (not an employment practice spe-
18 cifically excluded from coverage under section
19 1977A(a)(1) of the Revised Statutes (42 U.S.C.
20 1981a(a)(1)).

21 (f) PROHIBITION AGAINST RETALIATION.—

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

1 assisted, 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, harass ,
5 or interfere with any individual in the exercise or en-
6 joyment of, or on account of such individual having
7 exercised or enjoyed, or on account of such indi-
8 vidual having aided or encouraged any other indi-
9 vidual in the exercise or enjoyment of, any right
10 granted or protected by this Act.

11 (3) REMEDY.—The remedies and procedures
12 otherwise provided for under this section shall be
13 available to aggrieved individuals with respect to vio-
14 lations of this Act.

15 (g) LIMITATION.—Notwithstanding subsections
16 (a)(3), (b)(3), (c)(3), (d)(3), and (e)(3), if an unlawful em-
17 ployment practice involves the provision of a reasonable
18 accommodation pursuant to this Act or regulations imple-
19 menting this Act, damages may not be awarded under sec-
20 tion 1977A of the Revised Statutes (42 U.S.C. 1981a) if
21 the covered entity demonstrates good faith efforts, in con-
22 sultation with the employee with known limitations related
23 to menopause, menopause transition, symptoms, or related
24 medical effects who has informed the covered entity that
25 accommodation is needed, to identify and make a reason-

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

4 (h) RULES OF CONSTRUCTION.—The primary object
5 of attention in cases under this Act should be whether cov-
6 ered entities have complied with their obligations and
7 whether discrimination has occurred, not whether the indi-
8 vidual meets the definition of “menopause, menopausal
9 transition, symptoms, and related effects”. Given the vari-
10 able and intermittent nature of menopause, the meno-
11 pausal transition, symptoms, and related effects, along
12 with the need for further, more thorough examination into
13 its full range of impacts, the question of whether an indi-
14 vidual meets this definition under this part should not de-
15 mand extensive analysis or documentation.

16 **SEC. 7. RULEMAKING.**

17 (a) EEOC RULEMAKING.—Not later than 1 year
18 after the enactment of this Act, the Commission shall
19 issue regulations in an accessible format in accordance
20 with subchapter II of chapter 5 of title 5 of the United
21 States Code to carry out this Act. Such regulations shall
22 provide examples of known limitations associated with
23 menopause, menopause transition, and related effects, ex-
24 amples of reasonable accommodations addressing such

1 known limitations, and examples of when it is reasonable
2 for covered entities to seek supporting documentation.

3 (b) OCWR RULEMAKING.—

4 (1) IN GENERAL.—Not later than 6 months
5 after the Commission issues regulations under sub-
6 section (a), the Board (as defined in section 101 of
7 the Congressional Accountability Act of 1995 (2
8 U.S.C. 1301)) shall (in accordance with section 304
9 of the Congressional Accountability Act of 1995 (2
10 U.S.C. 1384), issue regulations to implement the
11 provisions of this Act made applicable to employees
12 described in section 104(b) of the Pregnant Workers
13 Fairness Act (42 U.S.C. 2000gg–2(b)).

14 (2) PARALLEL WITH AGENCY REGULATIONS.—

15 The regulations issued under paragraph (1) shall be
16 the same as substantive regulations issued by the
17 Commission under subsection (a) except to the ex-
18 tent that the Board may determine, for good cause
19 shown and stated together with the regulations
20 issued under paragraph (1) that a modification of
21 such substantive regulations would be more effective
22 for the implementation of the rights and protection
23 under this Act.

1 **SEC. 8. WAIVER OF STATE IMMUNITY.**

2 A State shall not be immune under the 11th Amend-
3 ment to the Constitution from an action in a Federal or
4 State court of competent jurisdiction for a violation of this
5 Act. In any action against a State for a violation of this
6 Act, remedies (including remedies both at law and in eq-
7 uity) are available for such a violation to the same extent
8 as such remedies are available for such a violation in an
9 action against any public or private entity other than a
10 State.

11 **SEC. 9. SEVERABILITY.**

12 If any provision of this Act or the application of that
13 provision to particular persons or circumstances is held
14 invalid or found to be unconstitutional, the remainder of
15 this Act and the application of that provision to other per-
16 sons or circumstances shall not be affected.