H. R. 2831

To amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2007

Mr. GEORGE MILLER of California (for himself, Mr. HOYER, Ms. DELAUCRO, Mr. ANDREWS, Ms. NORTON, Ms. WOOLSEY, Ms. SHEA-PORTER, Ms. HIRONO, Mrs. CAPPS, Mrs. MALONEY of New York, Ms. LINDA T. SÁNCHEZ of California, Mrs. McCARTHY of New York, Mr. LOESBACK, Ms. SLAUGHTER, Mr. VAN HOLLEN, Ms. McCOLLUM of Minnesota, Mr. HINOJOSA, Mr. DAVIS of Illinois, Mr. KUCINICH, Mr. MCDERMOTT, Mr. FARR, Ms. BERYKLEY, Mr. NADLER, and Ms. CLARKE) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ledbetter Fair Pay
Act of 2007”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Supreme Court in Ledbetter v. Good-
year Tire & Rubber Co., No. 05–1074 (May 29,
2007), significantly impairs statutory protections
against discrimination in compensation that Con-
gress established and that have been bedrock prin-
ciples of American law for decades. The Ledbetter
decision undermines those statutory protections by
unduly restricting the time period in which victims
of discrimination can challenge and recover for dis-
criminatory compensation decisions or other prac-
tices, contrary to the intent of Congress.

(2) The limitation imposed by the Court on the
filing of discriminatory compensation claims ignores
the reality of wage discrimination and is at odds
with the robust application of the civil rights laws
that Congress intended.

(3) With regard to any charges of discrimina-
tion under any law, nothing in this Act is intended
to preclude or limit an aggrieved person’s right to introduce evidence of unlawful employment practices that have occurred outside the time for filing a charge of discrimination.

SEC. 3. DISCRIMINATION IN COMPENSATION BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN.

Section 706(e) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(e)) is amended by adding at the end the following:

“(A) For purposes of this section, an unlawful employment practice occurs, with respect to discrimination in compensation in violation of this title, when a discriminatory compensation decision or other practice is adopted, when an individual becomes subject to a discriminatory compensation decision or other practice, or when an individual is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.

“(B) In any action under this title with respect to discrimination in compensation, the Commission, the Attorney General, or an aggrieved person, may for purposes of filing requirements, challenge similar or related instances of unlawful employment practices with respect to
discrimination in compensation occurring after an aggrieved person filed a charge without filing another charge with the Commission.

“(C) In addition to any relief authorized by 1977a of the Revised Statutes (42 U.S.C. 1981a), liability may accrue and an aggrieved person may obtain relief as provided in section (g)(1), including recovery of back pay for up to two years preceding the filing of the charge, where the unlawful employment practices that have occurred during the charge filing period are similar or related to unlawful employment practices with regard to discrimination in compensation that occurred outside the time for filing a charge.’’.

SEC. 4. DISCRIMINATION IN COMPENSATION BECAUSE OF AGE.

Section 7(d) of the Age Discrimination Act of 1967 (29 U.S.C. 626(d)) is amended—

(1) in the first sentence—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(B) by striking “(d)” and inserting “(d)(1)”;

(2) in the third sentence, by striking “Upon” and inserting the following:
“(2) Upon”; and

(3) by adding at the end the following:

“(3)(A) For purposes of this section, an unlawful practice occurs, with respect to discrimination in compensation in violation of this Act, when a discriminatory compensation decision or other practice is adopted, when a person becomes subject to a discriminatory compensation decision or other practice, or when a person is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.

“(B) In any action under this Act with respect to discrimination in compensation, the Secretary or an aggrieved person, may for purposes of filing requirements, challenge similar or related instances of unlawful employment practices with respect to discrimination in compensation occurring after an aggrieved person filed a charge without filing another charge with the Secretary.”.

SEC. 5. APPLICATION TO OTHER LAWS.

(a) AMERICANS WITH DISABILITIES ACT OF 1990.— The amendment made by section 3 shall apply to claims of discrimination in compensation brought under title I and section 503 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq., 12203), pursuant to sec-
tion 107(a) of such Act (42 U.S.C. 12117(a)), which
adopts the powers, remedies, and procedures set forth in
section 706 of the Civil Rights Act of 1964 (42 U.S.C.
2000e–5).

(b) Rehabilitation Act of 1973.—The amend-
ments made by section 3 shall apply to claims of discrimi-
nation in compensation brought under sections 501 and
504 of the Rehabilitation Act of 1973 (29 U.S.C. 791,
794), pursuant to—

(1) sections 501(g) and 504(d) of such Act (29
U.S.C. 791(g), 794(d)), respectively, which adopt
the standards applied under title I of the Americans
with Disabilities Act of 1990 for determining wheth-
er a violation has occurred in a complaint alleging
employment discrimination; and

(2) paragraphs (1) and (2) of section 505(a) of
such Act (29 U.S.C. 794a(a)) (as amended by sub-
section (c)).

(c) Conforming Amendments.—

(1) Rehabilitation Act of 1973.—Section
505(a) of the Rehabilitation Act of 1973 (29 U.S.C.
794a(a)) is amended—

(A) in paragraph (1), by inserting after
“(42 U.S.C. 2000e–5 (f) through (k))” the fol-
lowing: “(and the application of section
706(e)(3) (42 U.S.C. 2000e–5(e)(3)) to claims
of discrimination in compensation’’; and
(B) in paragraph (2), by inserting after
‘‘1964’’ the following: ‘‘(42 U.S.C. 2000d et
seq.) (and in subsections (e)(3) of section 706
of such Act (42 U.S.C. 2000e–5), applied to
claims of discrimination in compensation’’.
(2) CIVIL RIGHTS ACT OF 1964.—Section 717 of
the Civil Rights Act of 1964 (42 U.S.C. 2000e–16)
is amended by adding at the end the following
‘‘(f) Section 706(e)(3) shall apply to complaints of
discrimination in compensation under this section.’’.
(3) AGE DISCRIMINATION ACT OF 1967.—Sec-
tion 15(f) of the Age Discrimination in Employment
Act of 1967 (29 U.S.C. 633a(f)) is amended by
striking ‘‘of section’’ and inserting ‘‘of sections
7(d)(3) and’’.
SEC. 6. EFFECTIVE DATE.
This Act, and the amendments made by this Act, take
effect as if enacted on May 28, 2007 and apply to all
claims of discrimination in compensation under title VII
of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.),
the Age Discrimination in Employment Act of 1967 (29
U.S.C. 621 et seq.), title I and section 503 of the Amer-
cians with Disabilities Act of 1990, and sections 501 and
1 504 of the Rehabilitation Act of 1973, that are pending on or after that date.