

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2945

To amend title VII of the Civil Rights Act of 1964, to clarify that a discriminatory compensation decision or other practice occurs on the date on which the aggrieved person knew or should have known that the person was affected by the decision or practice, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

APRIL 30, 2008

Mr. VOINOVICH introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend title VII of the Civil Rights Act of 1964, to clarify that a discriminatory compensation decision or other practice occurs on the date on which the aggrieved person knew or should have known that the person was affected by the decision or practice, and for other purposes.

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 “Fair Pay Act of 2008”.

1 **SEC. 2. DISCRIMINATION IN COMPENSATION BECAUSE OF**  
 2 **RACE, COLOR, RELIGION, SEX, OR NATIONAL**  
 3 **ORIGIN.**

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

7 “(3) For purposes of this section, an unlawful em-  
 8 ployment practice occurs, with respect to discrimination  
 9 in compensation in violation of this title, on the date on  
 10 which the aggrieved person knew or should have known  
 11 that the person was affected by application of the discrimi-  
 12 natory compensation decision or other practice involved.”.

13 **SEC. 3. DISCRIMINATION IN COMPENSATION BECAUSE OF**  
 14 **AGE.**

15 Section 7(d) of the Age Discrimination in Employ-  
 16 ment Act of 1967 (29 U.S.C. 626(d)) is amended—

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

19 (2) by striking “(d)” and inserting “(d)(1)”;

20 (3) in the third sentence, by striking “Upon”  
 21 and inserting the following:

22 “(2) Upon”; and

23 (4) by adding at the end the following:

24 “(3) For purposes of this section, an unlawful prac-  
 25 tice occurs, with respect to discrimination in compensation  
 26 in violation of this Act, on the date on which the aggrieved

1 person knew or should have known that the person was  
2 affected by application of the discriminatory compensation  
3 decision or other practice involved.”.

4 **SEC. 4. APPLICATION TO OTHER LAWS.**

5 (a) AMERICANS WITH DISABILITIES ACT OF 1990.—  
6 The amendment made by section 2 shall apply to claims  
7 of discrimination in compensation brought under title I  
8 and section 503 of the Americans with Disabilities Act of  
9 1990 (42 U.S.C. 12111 et seq., 12203), pursuant to sec-  
10 tion 107(a) of such Act (42 U.S.C. 12117(a)), which  
11 adopts the powers, remedies, and procedures set forth in  
12 section 706 of the Civil Rights Act of 1964 (42 U.S.C.  
13 2000e–5).

14 (b) REHABILITATION ACT OF 1973.—The amend-  
15 ments made by section 2 shall apply to claims of discrimi-  
16 nation in compensation brought under sections 501 and  
17 504 of the Rehabilitation Act of 1973 (29 U.S.C. 791,  
18 794), pursuant to—

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

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

4           (c) CONFORMING AMENDMENTS.—

5           (1) REHABILITATION ACT OF 1973.—Section  
6 505(a) of the Rehabilitation Act of 1973 (29 U.S.C.  
7 794a(a)) is amended—

8           (A) in paragraph (1), by inserting after  
9 “(42 U.S.C. 2000e–5 (f) through (k))” the fol-  
10 lowing: “(and the application of section  
11 706(e)(3) (42 U.S.C. 2000e–5(e)(3)) to claims  
12 of discrimination in compensation)”; and

13           (B) in paragraph (2), by inserting after  
14 “1964” the following: “(42 U.S.C. 2000d et  
15 seq.) (and in subsection (e)(3) of section 706 of  
16 such Act (42 U.S.C. 2000e–5), applied to  
17 claims of discrimination in compensation)”.

18           (2) CIVIL RIGHTS ACT OF 1964.—Section 717 of  
19 the Civil Rights Act of 1964 (42 U.S.C. 2000e–16)  
20 is amended by adding at the end the following:

21           “(f) Section 706(e)(3) shall apply to complaints of  
22 discrimination in compensation under this section.”.

23           (3) AGE DISCRIMINATION IN EMPLOYMENT ACT  
24 OF 1967.—Section 15(f) of the Age Discrimination in  
25 Employment Act of 1967 (29 U.S.C. 633a(f)) is

1       amended by striking “of section” and inserting “of  
2       sections 7(d)(3) and”.

3 **SEC. 5. EFFECTIVE DATE.**

4       This Act, and the amendments made by this Act, take  
5 effect as if enacted on May 28, 2007 and apply to all  
6 claims of discrimination in compensation under title VII  
7 of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.),  
8 the Age Discrimination in Employment Act of 1967 (29  
9 U.S.C. 621 et seq.), title I and section 503 of the Ameri-  
10 cans with Disabilities Act of 1990, and sections 501 and  
11 504 of the Rehabilitation Act of 1973, that are pending  
12 on or after that date.

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