

transaction that is excluded from this Act under—

“(A) subsection (c) or (d) of section 2; or

“(B) title IV of the Commodity Futures Modernization Act of 2000 (Public Law 106–554; 114 Stat. 2763A457).”.

(m) Section 15(b) of the Commodity Exchange Act (7 U.S.C. 19(b)) is amended by striking “4(c) or”.

(n) Section 22(b)(1)(A) of the Commodity Exchange Act (7 U.S.C. 25(b)(1)(A)) is amended by striking “by section 2(h)(7) or sections 5 through 5c” and inserting “under sections 5 through 5c”.

(o) Section 13106(b)(1) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 2 note; Public Law 110–246) is amended by striking “section 1a(32)” and inserting “section 1a”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 14—TO PROVIDE FUNDING FOR SENATE STAFF TRANSITIONS

Mr. MCCONNELL (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 14

Resolved, That (a) for purposes of this section, the term “eligible staff member” means an individual—

(1) whose pay is disbursed by the Secretary of the Senate and was an employee as of January 2, 2009; and

(2) who was an employee of a Senator who stood for an additional term for the office of Senator but the office is not filled at the commencement of that term.

(b)(1) With respect to an eligible staff member who is being treated as a displaced staff member under section 6 of Senate Resolution 458 (98th Congress), as amended by Senate Resolution 9 (103d Congress), the period referred to in section 6(c)(1) of such resolution shall be 90 days.

(2)(A) Each eligible staff member may, with the approval, direction, and supervision of the Secretary of the Senate, perform limited duties such as archiving and transferring case files.

(B) The Secretary of the Senate may hire 2 additional eligible staff members to perform the duties described in subparagraph (A) subject to subparagraph (C). Such employees shall be treated as displaced staff members under section 6 of Senate Resolution 458 (98th Congress), as amended by Senate Resolution 9 (103d Congress), after the expiration of the period described in subparagraph (C). Expenses for such employees shall be paid from the Contingent Fund of the Senate.

(C) Subparagraph (A) shall apply for the period from January 2, 2009 through February 4, 2009 unless the eligible staff member becomes otherwise employed.

(3) A statement in writing by an eligible staff member that he or she was not gainfully employed during such period or the portion thereof for which payment is claimed under this subsection shall be accepted as prima facie evidence that he or she was not so employed.

(c) The Secretary of the Senate shall notify the Committee on Rules and Administration of the name of each eligible staff member.

(d)(1) During the period described in paragraph (2), the official office and State office expenses relating to archiving and transferring case files of a Senator who stood for an additional term for the office of Senator but

whose office is not filled at the commencement of that term shall be paid from the account for Miscellaneous Items within the contingent fund of the Senate upon vouchers approved and obligated by the Secretary of the Senate or the Sergeant at Arms and Doorkeeper of the Senate, as appropriate.

(2) The period described in paragraph (1) is the period from January 2, 2009 through February 4, 2009.

(e) Except as provided in subsection (b)(2)(B), funds necessary to carry out the provisions of this section shall be available as set forth in section 1(d) of Senate Resolution 458, agreed to October 4, 1984 (98th Congress).

(f) This section shall expire 90 days after January 3, 2009.

SEC. 2. (a) For purposes of section 6(a)(4)(A)(i) of Senate Resolution 458 (98th Congress), as amended by Senate Resolution 9 (103d Congress), the term committee shall include subcommittee.

(b) This section shall take effect on January 2, 2009 and expire 120 days after such date.

AMENDMENTS SUBMITTED AND PROPOSED

SA 23. Mr. BINGAMAN (for himself and Ms. MURKOWSKI) proposed an amendment to the bill S. 22, to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

SA 24. Mr. BINGAMAN (for himself and Ms. MURKOWSKI) proposed an amendment to the bill S. 22, *supra*.

SA 25. Mrs. HUTCHISON (for herself, Mr. MARTINEZ, Mr. GRASSLEY, Mr. CORNYN, Mr. ALEXANDER, Mr. VOINOVICH, Mr. ENZI, Mr. THUNE, Ms. MURKOWSKI, Mr. BURR, and Mr. CORKER) proposed an amendment to the bill S. 181, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of 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.

SA 26. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 181, *supra*; which was ordered to lie on the table.

SA 27. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 181, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 23. Mr. BINGAMAN (for himself and Ms. MURKOWSKI) proposed an amendment to the bill S. 22, to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; as follows:

On page 976, strike lines 8 through 25.

On page 977, line 1, strike “(6)” and insert “(5)”.

On page 977, line 3, insert “and” after “interactions;”.

On page 977, line 4, strike “(7)” and insert “(6)”.

On page 977, line 5, strike “(6)” and insert “(5)”.

On page 977, line 8, strike “scales;” and insert “scales.”.

On page 977, strike lines 9 through 17.

On page 1275, strike lines 3 through 6.

SA 24. Mr. BINGAMAN (for himself and Ms. MURKOWSKI) proposed an amendment to the bill S. 22, to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; as follows:

Beginning on page 305, strike line 9 and all that follows through page 349, line 21.

On page 526, line 2, strike “2” and insert “5”.

On page 526, line 7, strike “5” and insert “2”.

On page 974, line 19, insert “the Secretary of the Army, acting through” before “the Chief”.

On page 1188, line 19, strike “or” and insert “of”.

Beginning on page 1271, strike line 3 and all that follows through page 1273, line 22, and insert the following:

Section 107(a)

SA 25. Mrs. HUTCHISON (for herself, Mr. MARTINEZ, Mr. GRASSLEY, Mr. CORNYN, Mr. ALEXANDER, Mr. VOINOVICH, Mr. ENZI, Mr. THUNE, Ms. MURKOWSKI, Mr. BURR, and Mr. CORKER) proposed an amendment to the bill S. 181, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of 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; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Title VII Fairness Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Filing limitations periods serve important functions. They ensure that all claims are promptly raised and investigated, and, when remediation is warranted, that the violations involved are promptly remediated.

(2) Limitations periods are particularly important in employment situations, where unresolved grievances have a singularly corrosive and disruptive effect.

(3) Limitations periods are also particularly important for a statutory process that favors the voluntary resolution of claims through mediation and conciliation. Promptly raised issues are invariably more susceptible to such forms of voluntary resolution.

(4) In instances in which that voluntary resolution is not possible, a limitations period ensures that claims will be adjudicated on the basis of evidence that is available, reliable, and from a date that is proximate in time to the adjudication.

(5) Limitations periods, however, should not be construed to foreclose the filing of a claim by a reasonable person who exercises

due diligence regarding the person's rights but who did not have, and should not have been expected to have, a reasonable suspicion that the person was the object of unlawful discrimination. Such a person should be afforded the full applicable limitation period to commence a claim from the time the person has, or should be expected to have, a reasonable suspicion of discrimination.

SEC. 3. FILING PERIOD FOR CHARGES ALLEGING UNLAWFUL EMPLOYMENT PRACTICES.

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:

“(3)(A) This paragraph shall apply to a charge if—

“(i) the charge alleges an unlawful employment practice involving discrimination in violation of this title; and

“(ii) the person aggrieved demonstrates that the person did not have, and should not have been expected to have, enough information to support a reasonable suspicion of such discrimination, on the date on which the alleged unlawful employment practice occurred.

“(B) In the case of such a charge, the applicable 180-day or 300-day filing period described in paragraph (1) shall commence on the date when the person aggrieved has, or should be expected to have, enough information to support a reasonable suspicion of such discrimination.

“(C) Nothing in this paragraph shall be construed to change or modify the provisions of subsection (g)(1).

“(D) Nothing in this paragraph shall be construed to apply to a charge alleging an unlawful employment practice relating to the provision of a pension or a pension benefit.”.

SEC. 4. FILING PERIOD FOR CHARGES ALLEGING UNLAWFUL PRACTICES BASED ON AGE.

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

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

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

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

“(2) Upon”; and

(4) by adding at the end the following:

“(3)(A) This paragraph shall apply to a charge if—

“(i) the charge alleges an unlawful practice involving discrimination in violation of this Act; and

“(ii) the person aggrieved demonstrates that the person did not have, and should not have been expected to have, enough information to support a reasonable suspicion of such discrimination, on the date on which the alleged unlawful practice occurred.

“(B) In the case of such a charge, the applicable 180-day or 300-day filing period described in paragraph (1) shall commence on the date when the person aggrieved has, or should be expected to have, enough information to support a reasonable suspicion of such discrimination.

“(C) Nothing in this paragraph shall be construed to change or modify any remedial provision of this Act.

“(D) Nothing in this paragraph shall be construed to apply to a charge alleging an unlawful practice relating to the provision of a pension or a pension benefit.”.

SEC. 5. APPLICATION TO OTHER LAWS.

(a) AMERICANS WITH DISABILITIES ACT OF 1990.—Section 706(e)(3) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(e)(3)) shall apply (in the same manner as such section applies to a charge described in subparagraph (A)(i) of such section) to claims of discrimination

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 section 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) CONFORMING AMENDMENTS.—

(1) 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)(1) Subject to paragraph (2), section 706(e)(3) shall apply (in the same manner as such section applies to a charge described in subparagraph (A)(i) of such section) to complaints of discrimination under this section.

“(2) For purposes of applying section 706(e)(3) to a complaint under this section, a reference in section 706(e)(3)(B) to a filing period shall be considered to be a reference to the applicable filing period under this section.”.

(2) AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.—

(A) IN GENERAL.—Section 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”.

(B) APPLICATION.—For purposes of applying section 7(d)(3) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626(d)(3)) to a complaint under section 15 of that Act (29 U.S.C. 633a), a reference in section 7(d)(3)(B) of that Act to a filing period shall be considered to be a reference to the applicable filing period under section 15 of that Act.

SA 26. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 181, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of 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; which was ordered to lie on the table; as follows:

Strike the heading for section 6 and insert the following:

SEC. 6. CONSTRUCTION.

Nothing in this Act or any amendment made by this Act shall be construed to prohibit a party from asserting a defense based on waiver of a right, or on an estoppel or laches doctrine.

SEC. 7. EFFECTIVE DATE.

SA 27. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 181, to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . LIMITING APPLICATION TO DISCRIMINATORY COMPENSATION DECISIONS.

(a) FINDINGS.—In section 2(1) of the Lilly Ledbetter Fair Pay Act of 2009, strike “or other practices”.

(b) CIVIL RIGHTS ACT OF 1964.—In section 706(e) of the Civil Rights Act of 1964 (as amended by section 3), strike subparagraph (A) of paragraph (3) and insert 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 is adopted, when an individual becomes subject to a discriminatory compensation decision, or when an individual is affected by application of a discriminatory compensation decision, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision.”.

(c) AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.—In section 7(d) of the Age Discrimination in Employment Act of 1967 (as amended by section 4), strike paragraph (3) and insert the following:

“(3) 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 is adopted, when a person becomes subject to a discriminatory compensation decision, or when a person is affected by application of a discriminatory compensation decision, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision.”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, January 15, 2008, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on January 15, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Thursday, January 15, 2009, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, January 15, 2009, at 11:15 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.