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(Original Signature of Member)

110TH CONGRESS
1ST SESSION

H. R.

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 Act occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice; and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. GEORGE MILLER of California (for himself and) introduced the following bill; which was referred to the Committee on

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 Act occurs each time compensation is paid pursuant to the discriminatory compensation decision or other 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Fair Time for Fair
3 Pay Act of 2007”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) The Supreme Court in *Ledbetter v. Good-*
7 *year Tire & Rubber Co.*, No. 05–1074 (May 29,
8 2007), significantly impairs statutory protections
9 against discrimination in compensation that Con-
10 gress established and that have been bedrock prin-
11 ciples of American law for decades. The *Ledbetter*
12 decision undermines those statutory protections by
13 unduly restricting the time period in which victims
14 of discrimination can challenge and recover for dis-
15 criminatory compensation decisions or other prac-
16 tices, contrary to the intent of Congress.

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

22 (3) With regard to any charges of discrimina-
23 tion under any law, nothing in this Act is intended
24 to preclude or limit an aggrieved person’s right to
25 introduce evidence of unlawful employment practices

1 that have occurred outside the time for filing a
2 charge of discrimination.

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

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

9 “(3)(A) For purposes of this section, an unlawful em-
10 ployment practice occurs, with respect to discrimination
11 in compensation in violation of this title, when a discrimi-
12 natory compensation decision or other practice is adopted,
13 when an individual becomes subject to a discriminatory
14 compensation decision or other practice, or when an indi-
15 vidual is affected by application of a discriminatory com-
16 pensation decision or other practice, including each time
17 wages, benefits, or other compensation is paid, resulting
18 in whole or in part from such a decision or other practice.

19 “(B) In any action under this title with respect to
20 discrimination in compensation, the Commission, the At-
21 torney General, or an aggrieved person may for purposes
22 of filing requirements, challenge similar or related in-
23 stances of unlawful employment practices with respect to
24 discrimination in compensation occurring after an ag-

1 grieved person filed a charge without filing another charge
2 with the Commission.

3 “(C) In addition to any relief authorized by 1977a
4 of the Revised Statutes (42 U.S.C. 1981a), liability may
5 accrue and an aggrieved person may obtain relief as pro-
6 vided in section (g)(1), including recovery of back pay for
7 up to two years preceding the filing of the charge, where
8 the unlawful employment practices that have occurred
9 during the charge filing period are similar or related to
10 unlawful employment practices with regard to discrimina-
11 tion in compensation that occurred outside the time for
12 filing a charge.”.

13 **SEC. 4. DISCRIMINATION IN COMPENSATION BECAUSE OF**
14 **AGE.**

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

17 (1) in the first sentence—

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

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

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

25 “(2) Upon”; and

1 (3) by adding at the end the following:

2 “(3)(A) For purposes of this section, an unlawful
3 practice occurs, with respect to discrimination in com-
4 pensation in violation of this Act, when a discriminatory
5 compensation decision or other practice is adopted, when
6 a person becomes subject to a discriminatory compensa-
7 tion decision or other practice, or when a person is af-
8 fected by application of a discriminatory compensation de-
9 cision or other practice, including each time wages, bene-
10 fits, or other compensation is paid, resulting in whole or
11 in part from such a decision or other practice.

12 “(B) In any action under this Act with respect to dis-
13 crimination in compensation, the Secretary or an ag-
14 grieved person may for purposes of filing requirements,
15 challenge similar or related instances of unlawful employ-
16 ment practices with respect to discrimination in compensa-
17 tion occurring after an aggrieved person filed a charge
18 without filing another charge with the Secretary.”

19 **SEC. 5. APPLICATION TO OTHER LAWS.**

20 (a) AMERICANS WITH DISABILITIES ACT OF 1990.—
21 The amendment made by section 3 shall apply to claims
22 of discrimination in compensation brought under title I
23 and section 503 of the Americans with Disabilities Act of
24 1990 (42 U.S.C. 12111 et seq., 12203), pursuant to sec-
25 tion 107(a) of such Act (42 U.S.C. 12117(a)), which

1 adopts the powers, remedies, and procedures set forth in
2 section 706 of the Civil Rights Act of 1964 (42 U.S.C.
3 2000e-5).

4 (b) REHABILITATION ACT OF 1973.—The amend-
5 ments made by section 3 shall apply to claims of discrimi-
6 nation in compensation brought under sections 501 and
7 504 of the Rehabilitation Act of 1973 (29 U.S.C. 791,
8 794), pursuant to—

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

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

18 (c) CONFORMING AMENDMENTS.—

19 (1) REHABILITATION ACT OF 1973.—Section
20 505(a) of the Rehabilitation Act of 1973 (29 U.S.C.
21 794a(a)) is amended—

22 (A) in paragraph (1), by inserting after
23 “(42 U.S.C. 2000e-5 (f) through (k))” the fol-
24 lowing: “(and the application of section

1 706(e)(3) (42 U.S.C. 2000e–5(e)(3)) to claims
2 of discrimination in compensation”); and

3 (B) in paragraph (2), by inserting after
4 “1964” the following: “(42 U.S.C. 2000d et
5 seq.) (and in subsections (e)(3) of section 706
6 of such Act (42 U.S.C. 2000e–5), applied to
7 claims of discrimination in compensation)”.

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

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

13 (3) AGE DISCRIMINATION ACT OF 1967.—Sec-
14 tion 15(f) of the Age Discrimination in Employment
15 Act of 1967 (29 U.S.C. 633a(f)) is amended by
16 striking “of section” and inserting “of sections
17 7(d)(3) and”.

18 **SEC. 6. EFFECTIVE DATE.**

19 This Act, and the amendments made by this Act, take
20 effect as if enacted on May 28, 2007 and apply to all
21 claims of discrimination in compensation under title VII
22 of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.),
23 the Age Discrimination in Employment Act of 1967 (29
24 U.S.C. 621 et seq.), title I and section 503 of the Ameri-
25 cans with Disabilities Act of 1990, and sections 501 and

1 504 of the Rehabilitation Act of 1973, that are pending
2 on or after that date.