

110TH CONGRESS  
1ST SESSION

# 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.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2007

Mr. GEORGE MILLER of California (for himself, Mr. HOYER, Ms. DELAURO, 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. LOEBSACK, Ms. SLAUGHTER, Mr. VAN HOLLEN, Ms. MCCOLLUM of Minnesota, Mr. HINOJOSA, Mr. DAVIS of Illinois, Mr. KUCINICH, Mr. McDERMOTT, Mr. FARR, Ms. BERKLEY, Mr. NADLER, and Ms. CLARKE) introduced the following bill; which was referred to the Committee on Education and Labor

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## 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.

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 “Ledbetter Fair Pay  
5 Act of 2007”.

6 **SEC. 2. FINDINGS.**

7        Congress finds the following:

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

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

24            (3) With regard to any charges of discrimina-  
25 tion under any law, nothing in this Act is intended

1 to preclude or limit an aggrieved person’s right to  
2 introduce evidence of unlawful employment practices  
3 that have occurred outside the time for filing a  
4 charge of discrimination.

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

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

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

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

1 discrimination in compensation occurring after an ag-  
 2 grieved person filed a charge without filing another charge  
 3 with the Commission.

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

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

16 Section 7(d) of the Age Discrimination Act of 1967  
 17 (29 U.S.C. 626(d)) is amended—

18 (1) in the first sentence—

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

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

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

1 “(2) Upon”; and

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

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

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

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

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

1 tion 107(a) of such Act (42 U.S.C. 12117(a)), which  
2 adopts the powers, remedies, and procedures set forth in  
3 section 706 of the Civil Rights Act of 1964 (42 U.S.C.  
4 2000e-5).

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

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

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

19 (c) CONFORMING AMENDMENTS.—

20 (1) REHABILITATION ACT OF 1973.—Section  
21 505(a) of the Rehabilitation Act of 1973 (29 U.S.C.  
22 794a(a)) is amended—

23 (A) in paragraph (1), by inserting after  
24 “(42 U.S.C. 2000e-5 (f) through (k))” the fol-  
25 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.

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