

118TH CONGRESS
2D SESSION

S. 4327

To amend section 1977A of the Revised Statutes to equalize the remedies available under that section and to amend the Age Discrimination in Employment Act of 1967 to provide any legal or equitable relief available under title VII of the Civil Rights Act of 1964.

IN THE SENATE OF THE UNITED STATES

MAY 14, 2024

Mr. MARKEY (for himself and Mr. CASEY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend section 1977A of the Revised Statutes to equalize the remedies available under that section and to amend the Age Discrimination in Employment Act of 1967 to provide any legal or equitable relief available under title VII of the Civil Rights Act of 1964.

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 “Equal Remedies Act
5 of 2024”.

1 **SEC. 2. EQUALIZATION OF REMEDIES.**

2 Section 1977A of the Revised Statutes (42 U.S.C.
3 1981a) is amended—

4 (1) by amending (b)(3) to read as follows:

5 “(3) LOSSES.—Compensatory damages are
6 available under this section for past and future pe-
7 cuniary losses, emotional pain, suffering, inconven-
8 ience, mental anguish, loss of enjoyment of life, and
9 other nonpecuniary losses.”; and

10 (2) in subsection (c), by striking “section—”
11 and all that follows through the period at the end,
12 and inserting “section, any party may demand a
13 jury trial.”.

14 **SEC. 3. COMPENSATORY AND PUNITIVE DAMAGES AVAIL-**
15 **ABLE FOR AGE DISCRIMINATION.**

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

18 (1) by striking “(b) The” and all that follows
19 through the third sentence and inserting the fol-
20 lowing:

21 “(b)(1) Except as otherwise provided in another sub-
22 section of this section, or section 9, the powers, remedies,
23 and procedures set forth in sections 705, 706, 707, 709,
24 and 710 of the Civil Rights Act of 1964 (42 U.S.C.
25 2000e-4, 2000e-5, 2000e-6, 2000e-8, and 2000e-9)
26 shall be the powers, remedies, and procedures this Act

1 provides to the Commission, to the Attorney General, or
2 to any person alleging discrimination on the basis of age
3 in violation of section 4 or 15, or regulations promulgated
4 under section 9.”;

5 (2) in the second sentence of that subsection
6 (b), as amended by paragraph (1)—

7 (A) by striking “In any” and inserting the
8 following:

9 “(2) In any”; and

10 (B) by striking “or enforcing the liability
11 for amounts deemed to be unpaid minimum
12 wages or unpaid overtime compensation under
13 this section” and inserting “and including any
14 type of legal or equitable relief available for an
15 unlawful employment practice under title VII of
16 the Civil Rights Act of 1964 (42 U.S.C. 2000e
17 et seq.)”; and

18 (3) in the third sentence of that subsection (b),
19 as amended by paragraph (1), by striking “Before”
20 and inserting the following:

21 “(3) Before”.

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