

## HR 2062

Protecting Older Workers Against Discrimination Act of 2021

**Congress:** 117 (2021–2023, Ended)

**Chamber:** House

**Policy Area:** Labor and Employment

**Introduced:** Mar 18, 2021

**Current Status:** Received in the Senate and Read twice and referred to the Committee on Health, Education, Labor, and

**Latest Action:** Received in the Senate and Read twice and referred to the Committee on Health, Education, Labor, and Pensions. (Jun 24, 2021)

**Official Text:** <https://www.congress.gov/bill/117th-congress/house-bill/2062>

### Sponsor

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**Name:** Rep. Scott, Robert C. "Bobby" [D-VA-3]

**Party:** Democratic • **State:** VA • **Chamber:** House

**Cosponsors** (112 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Adams, Alma S. [D-NC-12]	D · NC		Mar 18, 2021
Rep. Axne, Cynthia [D-IA-3]	D · IA		Mar 18, 2021
Rep. Bonamici, Suzanne [D-OR-1]	D · OR		Mar 18, 2021
Rep. Davis, Rodney [R-IL-13]	R · IL		Mar 18, 2021
Rep. Fitzpatrick, Brian K. [R-PA-1]	R · PA		Mar 18, 2021
Rep. Grothman, Glenn [R-WI-6]	R · WI		Mar 18, 2021
Rep. Hollingsworth, Trey [R-IN-9]	R · IN		Mar 18, 2021
Rep. Katko, John [R-NY-24]	R · NY		Mar 18, 2021
Rep. Lowenthal, Alan S. [D-CA-47]	D · CA		Mar 18, 2021
Rep. Newman, Marie [D-IL-3]	D · IL		Mar 18, 2021
Rep. Van Drew, Jefferson [R-NJ-2]	R · NJ		Mar 18, 2021
Rep. Wild, Susan [D-PA-7]	D · PA		Mar 18, 2021
Resident Commissioner González-Colón, Jenniffer [R-PR-At Large]	R · PR		Mar 18, 2021
Del. Norton, Eleanor Holmes [D-DC-At Large]	D · DC		Mar 19, 2021
Rep. Cohen, Steve [D-TN-9]	D · TN		Mar 19, 2021
Rep. Dingell, Debbie [D-MI-12]	D · MI		Mar 19, 2021
Rep. Garcia, Sylvia R. [D-TX-29]	D · TX		Mar 19, 2021
Rep. Hayes, Jahana [D-CT-5]	D · CT		Mar 19, 2021
Rep. Morelle, Joseph D. [D-NY-25]	D · NY		Mar 19, 2021
Rep. Pingree, Chellie [D-ME-1]	D · ME		Mar 19, 2021
Rep. Schakowsky, Janice D. [D-IL-9]	D · IL		Mar 19, 2021
Rep. Cicilline, David N. [D-RI-1]	D · RI		Mar 26, 2021
Rep. Turner, Michael R. [R-OH-10]	R · OH		Mar 26, 2021
Rep. Young, Don [R-AK-At Large]	R · AK		Apr 1, 2021
Rep. Salazar, Maria Elvira [R-FL-27]	R · FL		Apr 21, 2021
Rep. DeSaulnier, Mark [D-CA-11]	D · CA		May 12, 2021
Rep. Doggett, Lloyd [D-TX-35]	D · TX		May 12, 2021
Del. Sablan, Gregorio Kilili Camacho [D-MP-At Large]	D · MP		May 25, 2021
Rep. Bacon, Don [R-NE-2]	R · NE		May 25, 2021
Rep. Castro, Joaquin [D-TX-20]	D · TX		May 25, 2021
Rep. Courtney, Joe [D-CT-2]	D · CT		May 25, 2021
Rep. Espaillat, Adriano [D-NY-13]	D · NY		May 25, 2021
Rep. Jayapal, Pramila [D-WA-7]	D · WA		May 25, 2021
Rep. Jones, Mondaire [D-NY-17]	D · NY		May 25, 2021
Rep. Kahele, Kaiali'i [D-HI-2]	D · HI		May 25, 2021
Rep. Khanna, Ro [D-CA-17]	D · CA		May 25, 2021
Rep. Levin, Andy [D-MI-9]	D · MI		May 25, 2021
Rep. Manning, Kathy E. [D-NC-6]	D · NC		May 25, 2021
Rep. McBath, Lucy [D-GA-6]	D · GA		May 25, 2021
Rep. Mfume, Kweisi [D-MD-7]	D · MD		May 25, 2021
Rep. Norcross, Donald [D-NJ-1]	D · NJ		May 25, 2021

Cosponsor	Party / State	Role	Date Joined
Rep. Omar, Ilhan [D-MN-5]	D · MN		May 25, 2021
Rep. Pocan, Mark [D-WI-2]	D · WI		May 25, 2021
Rep. Sherrill, Mikie [D-NJ-11]	D · NJ		May 25, 2021
Rep. Stevens, Haley M. [D-MI-11]	D · MI		May 25, 2021
Rep. Takano, Mark [D-CA-41]	D · CA		May 25, 2021
Rep. Thompson, Bennie G. [D-MS-2]	D · MS		May 25, 2021
Rep. Upton, Fred [R-MI-6]	R · MI		May 25, 2021
Rep. Wilson, Frederica S. [D-FL-24]	D · FL		May 25, 2021
Rep. Leger Fernandez, Teresa [D-NM-3]	D · NM		Jun 8, 2021
Rep. Reed, Tom [R-NY-23]	R · NY		Jun 8, 2021
Rep. Smith, Christopher H. [R-NJ-4]	R · NJ		Jun 8, 2021
Rep. Bishop, Sanford D., Jr. [D-GA-2]	D · GA		Jun 11, 2021
Rep. Blunt Rochester, Lisa [D-DE-At Large]	D · DE		Jun 11, 2021
Rep. Bush, Cori [D-MO-1]	D · MO		Jun 11, 2021
Rep. Carson, Andre [D-IN-7]	D · IN		Jun 11, 2021
Rep. Connolly, Gerald E. [D-VA-11]	D · VA		Jun 11, 2021
Rep. DeLauro, Rosa L. [D-CT-3]	D · CT		Jun 11, 2021
Rep. Garcia, Jesus G. "Chuy" [D-IL-4]	D · IL		Jun 11, 2021
Rep. Green, Al [D-TX-9]	D · TX		Jun 11, 2021
Rep. Jacobs, Sara [D-CA-53]	D · CA		Jun 11, 2021
Rep. Kilmer, Derek [D-WA-6]	D · WA		Jun 11, 2021
Rep. Kuster, Ann M. [D-NH-2]	D · NH		Jun 11, 2021
Rep. Malinowski, Tom [D-NJ-7]	D · NJ		Jun 11, 2021
Rep. Maloney, Carolyn B. [D-NY-12]	D · NY		Jun 11, 2021
Rep. Matsui, Doris O. [D-CA-6]	D · CA		Jun 11, 2021
Rep. McCollum, Betty [D-MN-4]	D · MN		Jun 11, 2021
Rep. Moulton, Seth [D-MA-6]	D · MA		Jun 11, 2021
Rep. Pressley, Ayanna [D-MA-7]	D · MA		Jun 11, 2021
Rep. Ruppersberger, C. A. Dutch [D-MD-2]	D · MD		Jun 11, 2021
Rep. Suozzi, Thomas R. [D-NY-3]	D · NY		Jun 11, 2021
Rep. Titus, Dina [D-NV-1]	D · NV		Jun 11, 2021
Rep. Torres, Ritchie [D-NY-15]	D · NY		Jun 11, 2021
Rep. Trahan, Lori [D-MA-3]	D · MA		Jun 11, 2021
Rep. Underwood, Lauren [D-IL-14]	D · IL		Jun 11, 2021
Rep. Williams, Nikema [D-GA-5]	D · GA		Jun 11, 2021
Rep. Yarmuth, John A. [D-KY-3]	D · KY		Jun 11, 2021
Rep. Bass, Karen [D-CA-37]	D · CA		Jun 15, 2021
Rep. Beatty, Joyce [D-OH-3]	D · OH		Jun 15, 2021
Rep. Brown, Anthony G. [D-MD-4]	D · MD		Jun 15, 2021
Rep. Deutch, Theodore E. [D-FL-22]	D · FL		Jun 15, 2021
Rep. Gallego, Ruben [D-AZ-7]	D · AZ		Jun 15, 2021
Rep. Grijalva, Raúl M. [D-AZ-3]	D · AZ		Jun 15, 2021

Cosponsor	Party / State	Role	Date Joined
Rep. Johnson, Henry C. "Hank," Jr. [D-GA-4]	D · GA		Jun 15, 2021
Rep. Lawrence, Brenda L. [D-MI-14]	D · MI		Jun 15, 2021
Rep. Lee, Barbara [D-CA-13]	D · CA		Jun 15, 2021
Rep. Maloney, Sean Patrick [D-NY-18]	D · NY		Jun 15, 2021
Rep. Meeks, Gregory W. [D-NY-5]	D · NY		Jun 15, 2021
Rep. Mrvan, Frank J. [D-IN-1]	D · IN		Jun 15, 2021
Rep. Neal, Richard E. [D-MA-1]	D · MA		Jun 15, 2021
Rep. Rush, Bobby L. [D-IL-1]	D · IL		Jun 15, 2021
Rep. Sewell, Terri A. [D-AL-7]	D · AL		Jun 15, 2021
Rep. Sires, Albio [D-NJ-8]	D · NJ		Jun 15, 2021
Rep. Speier, Jackie [D-CA-14]	D · CA		Jun 15, 2021
Rep. Welch, Peter [D-VT-At Large]	D · VT		Jun 15, 2021
Rep. Casten, Sean [D-IL-6]	D · IL		Jun 16, 2021
Rep. Davis, Danny K. [D-IL-7]	D · IL		Jun 16, 2021
Rep. Dean, Madeleine [D-PA-4]	D · PA		Jun 16, 2021
Rep. Huffman, Jared [D-CA-2]	D · CA		Jun 16, 2021
Rep. Kind, Ron [D-WI-3]	D · WI		Jun 16, 2021
Rep. Krishnamoorthi, Raja [D-IL-8]	D · IL		Jun 16, 2021
Rep. Ross, Deborah K. [D-NC-2]	D · NC		Jun 16, 2021
Rep. Sarbanes, John P. [D-MD-3]	D · MD		Jun 16, 2021
Rep. Smith, Adam [D-WA-9]	D · WA		Jun 16, 2021
Rep. Strickland, Marilyn [D-WA-10]	D · WA		Jun 16, 2021
Rep. Keating, William R. [D-MA-9]	D · MA		Jun 17, 2021
Rep. Kildee, Daniel T. [D-MI-5]	D · MI		Jun 17, 2021
Rep. Peters, Scott H. [D-CA-52]	D · CA		Jun 17, 2021
Rep. Phillips, Dean [D-MN-3]	D · MN		Jun 17, 2021
Rep. Price, David E. [D-NC-4]	D · NC		Jun 17, 2021
Rep. Spanberger, Abigail Davis [D-VA-7]	D · VA		Jun 17, 2021
Rep. Swalwell, Eric [D-CA-15]	D · CA		Jun 17, 2021

### Committee Activity

Committee	Chamber	Activity	Date
Education and Workforce Committee	House	Reported By	Jun 17, 2021
Health, Education, Labor, and Pensions Committee	Senate	Referred To	Jun 24, 2021

### Subjects & Policy Tags

#### Policy Area:

Labor and Employment

### Related Bills

Bill	Relationship	Last Action
117 HRES 486	Related bill	<b>Jun 23, 2021:</b> Motion to reconsider laid on the table Agreed to without objection.
117 S 880	Identical bill	<b>Mar 22, 2021:</b> Read twice and referred to the Committee on Health, Education, Labor, and Pensions.

## **Protecting Older Workers Against Discrimination Act of 2021**

This bill revises the evidentiary standard for age discrimination by establishing an unlawful employment practice when the complaining party demonstrates that age or participation in an investigation, proceeding, or litigation related to an age discrimination claim was a motivating factor for an adverse practice, even though other factors also motivated the practice (thereby allowing what are commonly known as *mixed motive* claims).

The bill (1) permits the complaining party to rely on any type or form of admissible evidence, which need only be sufficient for a reasonable trier of fact to find that an unlawful practice occurred; and (2) declares that the complaining party shall not be required to demonstrate that age or retaliation was the sole cause of the employment practice (thereby rejecting the Supreme Court's decision in *Gross v. FBL Financial Services, Inc.*, which requires the complainant to prove that age was the *but-for* cause for the employer's decision).

The bill applies this evidentiary standard to other employment discrimination and retaliation claims, including claims under the Civil Rights Act of 1964, the Americans With Disabilities Act of 1990, and the Rehabilitation Act of 1973.

In a claim in which age discrimination is shown, but where the employer demonstrates that it would have taken the same action absent the motivating factor of age, the bill authorizes courts to grant declaratory and injunctive relief, but prohibits the court from awarding damages or issuing an order requiring any admission, reinstatement, hiring, promotion, or payment. This limitation also applies to claims of discrimination based on disability.

The bill also includes reporting requirements for the Equal Employment Opportunity Commission and the Department of Labor.

## Actions Timeline

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- **Jun 24, 2021:** Received in the Senate and Read twice and referred to the Committee on Health, Education, Labor, and Pensions.
- **Jun 23, 2021:** Considered under the provisions of rule H. Res. 486. (consideration: CR H3052-3067; text: CR H3052-3053)
- **Jun 23, 2021:** The resolution provides for 1 hour of debate, orders the previous question, and allows a motion to recommit for each measure. Provides that H. Res. 485 is adopted. Provides that anytime through the legislative day of June 25, 2021, the Speaker may entertain motions offered by the Majority Leader or his designee that the House suspend the rules with respect to multiple measures that were the object of motions to suspend the rules on the legislative days of June 22 or 23, and on which the yeas and nays were ordered and further proceedings postponed.
- **Jun 23, 2021:** DEBATE - The House proceeded with one hour of debate on H.R. 2062.
- **Jun 23, 2021:** DEBATE - Pursuant to the provisions of H. Res 486, the House proceeded with 20 minutes of debate on the Scott (VA) amendment en bloc No. 1.
- **Jun 23, 2021:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Scott (VA) amendment en bloc No. 1, the Chair put the question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mrs. Foxx demanded the yeas and nays and the Chair postponed further proceedings until a time to be announced.
- **Jun 23, 2021:** DEBATE - Pursuant to the provisions of H. Res 486, the House proceeded with 20 minutes of debate on the Scott (VA) amendment en bloc No. 2.
- **Jun 23, 2021:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Scott (VA) amendment en bloc No. 2, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mrs. Foxx demanded the yeas and nays and the Chair postponed further proceedings until a time to be announced.
- **Jun 23, 2021:** DEBATE - Pursuant to the provisions of H. Res 486, the House proceeded with 10 minutes of debate on the Davis (IL) amendment.
- **Jun 23, 2021:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question on the Scott amendment en bloc No. 1 which had been debated earlier and on which further proceedings had been postponed.
- **Jun 23, 2021:** Motion to reconsider laid on the table. Agreed to without objection.
- **Jun 23, 2021:** The previous question was ordered pursuant to the rule.
- **Jun 23, 2021:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 247 - 178 (Roll no. 180).
- **Jun 23, 2021:** On passage Passed by the Yeas and Nays: 247 - 178 (Roll no. 180).
- **Jun 23, 2021:** Motion to reconsider laid on the table Agreed to without objection.
- **Jun 22, 2021:** Rules Committee Resolution H. Res. 486 Reported to House. The resolution provides for 1 hour of debate, orders the previous question, and allows a motion to recommit for each measure. Provides that H. Res. 485 is adopted. Provides that anytime through the legislative day of June 25, 2021, the Speaker may entertain motions offered by the Majority Leader or his designee that the House suspend the rules with respect to multiple measures that were the object of motions to suspend the rules on the legislative days of June 22 or 23, and on which the yeas and nays were ordered and further proceedings postponed.
- **Jun 17, 2021:** Reported (Amended) by the Committee on Education and Labor. H. Rept. 117-63.
- **Jun 17, 2021:** Placed on the Union Calendar, Calendar No. 44.
- **May 26, 2021:** Committee Consideration and Mark-up Session Held.
- **May 26, 2021:** Ordered to be Reported (Amended) by the Yeas and Nays: 29 - 18.
- **Mar 18, 2021:** Introduced in House
- **Mar 18, 2021:** Referred to the House Committee on Education and Labor.