

116TH CONGRESS
2D SESSION

S. 3849

To extend limitation periods for labor and employment laws, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 1, 2020

Ms. WARREN (for herself, Mrs. MURRAY, Ms. SMITH, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. BROWN, Mr. CARDIN, Ms. HARRIS, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To extend limitation periods for labor and employment laws,
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 “Emergency Limitation
5 Periods Extensions for Workers Act”.

6 **SEC. 2. EXTENDING LIMITATION PERIODS FOR LABOR AND**
7 **EMPLOYMENT LAWS.**

8 (a) DEFINITIONS.—In this section:

1 (1) COVID–19 PUBLIC HEALTH EMERGENCY
2 PERIOD.—The term “COVID–19 public health emer-
3 gency period” means the period—

4 (A) beginning on the first date of the pub-
5 lic health emergency declared by the Secretary
6 of Health and Human Services under section
7 319 of the Public Health Service Act (42
8 U.S.C. 247d) on January 31, 2020, with re-
9 spect to COVID–19; and

10 (B) ending on the date on which the dec-
11 laration (including any renewal) terminates.

12 (2) LABOR OR EMPLOYMENT LAW.—The term
13 “labor or employment law” means—

14 (A) the Fair Labor Standards Act of 1938
15 (29 U.S.C. 201 et seq.);

16 (B) subchapter IV of chapter 31 of title
17 40, United States Code (commonly known as
18 the “Davis-Bacon Act”);

19 (C) the Portal-to-Portal Act of 1974 (29
20 U.S.C. 251 et seq.), for violations of the Fair
21 Labor Standards Act of 1938 or subchapter IV
22 of chapter 31 of title 40, United States Code;

23 (D) the Occupational Safety and Health
24 Act of 1970 (29 U.S.C. 651 et seq.);

1 (E) the Migrant and Seasonal Agricultural
2 Worker Protection Act (29 U.S.C. 1801 et
3 seq.);

4 (F) the National Labor Relations Act (29
5 U.S.C. 151 et seq.);

6 (G) chapter 67 of title 41, United States
7 Code (commonly known as the “Service Con-
8 tract Act of 1965”);

9 (H) section 2415 of title 28, United States
10 Code, for violations of chapter 67 of title 41,
11 United States Code;

12 (I) title VII of the Civil Rights Act of 1964
13 (42 U.S.C. 2000e et seq.);

14 (J) the Age Discrimination in Employment
15 Act of 1967 (29 U.S.C. 621 et seq.);

16 (K) title I and section 503, for violations
17 with respect to that title, of the Americans with
18 Disabilities Act of 1990 (42 U.S.C. 12111 et
19 seq., 12203);

20 (L) title V of the Rehabilitation Act of
21 1973 (29 U.S.C. 791 et seq.), for violations
22 with respect to sections 501 and 503 of that
23 title (29 U.S.C. 791, 793);

1 (M) title II of the Genetic Information
2 Nondiscrimination Act of 2008 (42 U.S.C.
3 2000ff et seq.);

4 (N) sections 1977 and 1979 of the Revised
5 Statutes (42 U.S.C. 1981, 1983);

6 (O) chapter 43 of title 38, United States
7 Code, for violations with respect to sections
8 4311, 4312, 4313, 4316, 4317, and 4318 of
9 that title;

10 (P) title I of the Family and Medical
11 Leave Act of 1993 (29 U.S.C. 2601 et seq.)
12 and the Emergency Family and Medical Leave
13 Expansion Act (29 U.S.C. 2612, 2620 note);

14 (Q) title 5, United States Code, for viola-
15 tions with respect to subchapter V of chapter
16 63 of that title;

17 (R) the Emergency Paid Sick Leave Act
18 (29 U.S.C. 2601 note);

19 (S) the Government Employee Rights Act
20 of 1991 (42 U.S.C. 2000e–16a et seq.);

21 (T) the Congressional Accountability Act
22 of 1995 (2 U.S.C. 1301 et seq.), for violations
23 described in sections 201, 202, 203, 206, 208,
24 215, and 220, and the Genetic Information
25 Nondiscrimination Act of 2008; and

1 (U) chapter 5 of title 3, United States
2 Code, for violations described in sections 411,
3 412, 413, 416, 417, 425, and 431 and the Ge-
4 netic Information Nondiscrimination Act of
5 2008.

6 (b) IN GENERAL.—

7 (1) OVERLAP INTERVAL.—In this subsection,
8 the term “overlap interval” means the interval of an
9 overlap between—

10 (A) any limitations period for filing a
11 claim, charge, filing, or other request for a Fed-
12 eral agency proceeding or complaint for a civil
13 action under a labor or employment law; and

14 (B) a COVID–19 public health emergency
15 period.

16 (2) EXTENSIONS OF LIMITATIONS PERIOD.—
17 Notwithstanding any provision of an Act or title de-
18 scribed in subsection (a)(2), or any other provision
19 of law, if there is an overlap described in paragraph
20 (1)(A) involving a limitations period described in
21 that paragraph, the limitations period shall be—

22 (A) extended to run through the 90th day
23 after the last day of the COVID–19 public
24 health emergency period; and

- 1 (B) extended again by the length of the
- 2 overlap interval.

