



STATEMENT OF REPUBLICAN POLICY

January 8, 2009

**H.R. 11, the “Lilly Ledbetter Fair Pay Act of 2009”
Rep. George Miller (D-CA) and 168 Cosponsors**

House Republicans are united in their opposition to workplace discrimination, their support of our nation’s civil rights laws which protect against discrimination in the workplace and their commitment to the timely resolution of discrimination claims. Nonetheless, House Republicans strongly oppose H.R. 11.

H.R. 11 would eliminate the statute of limitations and Equal Employment Opportunity Commission charging requirements contained in current law, by amending four statutes: the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Americans with Disabilities Act and the National Rehabilitation Act, with respect to claims of discrimination. It would allow an employee – or any individual who can arguably claim to be “affected” by an allegedly discriminatory decision or “any other practice” relating to compensation, wages or benefits – to sue for discrimination that may have occurred years or even decades in the past. The legislation represents the most comprehensive revision to our nation’s civil rights laws to be given serious consideration by the Congress in almost two decades, and jeopardizes the judicial process to review and resolve allegation of discrimination in a timely fashion.

Supporters of H.R. 11 purport that the bill reverses the May 29, 2007 U.S. Supreme Court decision in *Ledbetter v. Goodyear Tire & Rubber Co.* Despite the claim, H.R. 11 is not a narrowly-drawn bill that reverses the Court’s decision in *Ledbetter* – or a class of similar cases – but eliminates any time requirement for filing a claim involving pay discrimination and extends an expanded statute of limitations to any “other practice” that remotely affects an individual’s – or any “aggrieved person” – wages, benefits or other compensation in the future.

Meaningful statutes of limitations in fact-intensive discrimination cases are crucial to the fair administration of justice. The prompt assertion of employment discrimination permits employers to defend against claims that arise from employment decisions instead of having to litigate claims that are years or decades old. Moreover, effective statutes of limitations benefit employees by encouraging the prompt discovery, assertion and resolution of employment discrimination claims so that workplace discrimination can be remedied without delay.

H.R. 11 is fundamentally flawed at almost every level. It assumes that the anti-discrimination laws are ineffective in ameliorating claims; it adopts flawed constructions of existing law; and it exponentially expands the scope of liability under our nation’s civil rights laws. Furthermore,

the 111th Congress has not reviewed the scope and impact of this legislation through the traditional deliberative process.

It is strongly recommended that the *Lilly Ledbetter Fair Pay Act of 2009* be rejected by the House.

*Provided by the Republican Leadership and the Committee on Education and Labor
Republicans.*

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