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KENNEDY, HARKIN, CLINTON, MIKULSKI TO INTRODUCE LEGISLATION TO STOP PAY DISCRIMINATION

Bill Will Remove Barrier Created by Yesterday's Supreme Court Decision

WASHINGTON, D.C – Senators Edward Kennedy (D-MA), Tom Harkin (D-IA), Hillary Rodham Clinton (D-NY), and Barbara Mikulski (D-MD) today announced that they will introduce legislation next week to ensure that workers are able to enforce their legal right to equal pay.

The bill will remove a technical hurdle created by yesterday's Supreme Court ruling in *Ledbetter v. Goodyear Tire & Rubber Company* that will make it far more difficult for women and others to receive equal pay for equal work. Representatives Rosa DeLauro (D-CT), George Miller (D-CA) and Eleanor Holmes Norton (D-DC) announced that they will introduce companion legislation in the House of Representatives.

Senator Kennedy said, "Yesterday's Supreme Court decision creates an unacceptable obstacle to employees' pay discrimination claims. This is not what Congress intended when we passed the landmark Civil Rights Act of 1991. We are all dedicated to ensuring that workers may seek redress in the courts each and every time they are subjected to unlawful pay discrimination."

"Yesterday's Supreme Court decision reflects a poor understanding of the real problems with long-term pay discrimination," said Senator Harkin. "Most new employees feel less comfortable challenging their salaries, and it is very difficult to determine when pay discrimination begins. Furthermore, a small pay gap tends to widen over time, only becoming noticeable when there is systemic discrimination over a period of years. I look forward to working with my Senate colleagues to ensure every worker receives the paycheck he or she deserves."

"Unless Congress Acts, this Supreme Court ruling will have far-reaching implications for women, and will gravely limit the rights of employees who have suffered pay discrimination based on their race, sex, religion or national origin. All Americans deserve equal pay for equal work and it is our responsibility to get this right," said Senator Clinton.

"This week's Supreme Court decision sends a dangerous message about the value of pay equity in this country. It is unacceptable that women and others would be limited in their opportunities to stand up for themselves and for their families. I am proud to team up with my colleagues to right this wrong," said Senator Mikulski.

"Over the last quarter century, we have made strides in the American workplace against pay discrimination, but this recent Supreme Court ruling is another example highlighting that our work is not close to being done," said Representative DeLauro. "When Congress enacted the Civil Rights Act it was with the intent that Title VII would empower people with the tools necessary to address pay discrimination, not create another hurdle. However, it seems that Congress's intent was not clear enough for the Supreme Court and so I am joining with my colleagues to introduce clarifying legislation so there is no further question about our commitment to ending pay discrimination and closing the wage gap," said Representative DeLauro.

"As Justice Ginsburg suggests, the ball has now fallen into Congress' court and we intend to address this ruling," said Representative George Miller (D-CA), chairman of the House Education and Labor Committee. "The Supreme Court's narrow decision makes it more difficult for workers to stand up for their basic civil rights at work and that is unacceptable."

Yesterday, the Supreme Court ruled by a narrow five to four margin to limit the ability of women and other employees to sue their employers for pay discrimination under Title VII of the Civil Rights Act of 1964. Justice Ruth Bader Ginsburg, writing in dissent, called on Congress to amend the law to correct the Court's ruling. The Kennedy-Harkin-Clinton-Mikulski bill will take this action by stating expressly that the statute of limitations under Title VII of the Civil Rights Act of 1964 runs from the date of each payment of a discriminatory wage.

Lilly Ledbetter, an employee of Goodyear Tire and Rubber Company for 19 years, first brought charges of discrimination before the Equal Employment Opportunity Commission in 1998 with proof that she was being paid between 15 percent and 40 percent less than each of her male counterparts, including those with less seniority. A federal jury found for Ledbetter, and the district court awarded Ms. Ledbetter more than \$3 million in back pay and compensatory and punitive damages. However, the Supreme Court overturned this award, holding that Ms. Ledbetter's claim exceeded the statute of limitations.

Title VII of the Civil Rights Act of 1964 provides that a charge of discrimination must be filed within 180 days "after the alleged unlawful employment practice occurred." The Supreme Court held that this period runs from the date the employer makes a pay-setting decision, and not the date that the employee actually receives a paycheck with a discriminatory wage, even if the effects of the discrimination were not fully apparent to the worker at the time. In announcing their bill to clarify the intent of Congress under the law, Senators Kennedy, Harkin, Clinton and Mikulski underscored that this ruling is at odds with the interpretation that the Equal Employment Opportunity Commission had previously given to Title VII, as well as the rule that has applied to other federal civil rights statutes, such as the Equal Pay Act and the Fair Labor Standards Act.