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The Honorable Nancy Pelosi
Speaker of the House
H-232, US Capitol
Washington, DC 20515

Dear Speaker Pelosi:

I am writing to express AARP's support for H.R. 11, the Lilly Ledbetter Fair Pay Act of 2009 and H.R. 12, the Paycheck Fairness Act of 2009. Together these two bills will provide victims of compensation discrimination an opportunity to get proper redress for unlawful acts of discrimination in the workplace and protect workers who share compensation information with co-workers from employer retaliation.

H.R. 11 would address issues arising from the May 2007 Supreme Court Decision in Ledbetter v. Goodyear to appropriately reflect workplace realities in providing proper redress to victims of discriminatory treatment. Likewise, under H.R. 12, the Equal Pay Act of 1963 would be modernized to strengthen protections against gender-based compensation discrimination.

Even though the Ledbetter litigation (which involved claims under Title VI of the 1964 Civil Rights Act) and the Equal Pay Act of 1963 are focused on sex discrimination, the reasoning and legislative intent of these bills can also be applied to cases involving claims under federal age discrimination and disability discrimination laws – i.e., the Age Discrimination in Employment Act (ADEA) and the Americans with Disabilities Act (ADA), both of whose prohibitions and protections closely track Title VII. Indeed, lower federal courts already have applied the misguided reasoning of the Ledbetter decision in a variety of cases affecting other protected classes of workers in the short time since that case was decided. Thus, the overly restrictive interpretation in the Ledbetter decision – which was contrary to accepted legal precedent – demands enactment of H.R. 11 and H.R. 12 to correct such inequities. The legislation has tremendous significance not only for women, but for all older and disabled workers.

AARP urges Congress and the Administration to act swiftly to enact these important safeguards for all workers, including older workers who are covered by the ADEA and ADA.

If you have any questions, please do not hesitate to call me, or have your staff contact Cristina Martin Firvida of our Government Relations and Advocacy staff at (202) 434-6194.

Sincerely,

David P. Sloane
Senior Managing Director
Government Relations and Advocacy