

January 9, 2009

Mr. SCOTT of Virginia: Madam Speaker, I rise today in support of the Lilly Ledbetter Fair Pay Act. This legislation reverses the Supreme Court's decision in the Ledbetter case in which the Court ruled that workers filing suit for pay discrimination must do so within 180 days of the original decision to discriminate against them. After the 180 days from the initial decision to discriminate, the employer could continue its discriminatory practices and the employee would no longer have any legal remedy.

Prior to the Supreme Court decision, employees could file suit against employers who were guilty of discriminatory pay practices within 180 days of any discriminatory act, not just the initial decision to discriminate, so that each paycheck in which women were paid less than men for performing the same job would restart the 180-day period. The Supreme Court's ruling in Ledbetter changed this, so that now, if the discrimination is not discovered within 180 days, employers are now allowed to continue to discriminate, even if the pattern of discrimination is well known and acknowledged.

Unfortunately, the fact is that many women, like Lilly Ledbetter, do not learn about the discrimination until much later. So under the Supreme Court decision these women have no remedy under civil rights laws. This bill corrects the injustice and does so, it does not make a so-called dramatic change. Most of the country operated under this policy anyway.

And also, the bill retains the 2-year limit on past wages, so the burden of proof remains also on the plaintiff. So any delay which erodes evidence would be a higher burden for the plaintiff. So there's no incentive to delay bringing suit.

Madam Speaker, this is a commonsense application of what everyone thought the law was anyway. I commend Chairman *Miller* for bringing the bill to the floor, and urge my colleagues to support it.