



Jay Timmons
Executive Vice President

January 14, 2009

U.S. Senate
Washington, DC 20510

Dear Senator:

The National Association of Manufacturers (NAM), the nation's largest industrial trade association representing small and large manufacturers in every industrial sector and in all 50 states, urges you to oppose S. 181, the Lilly Ledbetter Fair Pay Act, because it could be harmful to the economy and jobs.

Manufacturers are strongly committed to equal employment opportunity and support vigorous enforcement of anti-discrimination laws. As employers, we are dedicated to fairness in hiring, compensation and job advancement for all employees. Unfortunately, this bill will do little to prevent unlawful discrimination but would invite unwarranted and costly litigation against employers at a time when businesses are struggling, costing jobs.

When drafting major employment laws over the past 40 years, Congress has wisely created time limits under which an individual can file discrimination claims. These limits encourage employees and employers to address problems quickly in order to diminish the impact of discrimination. The Supreme Court upheld this view in its 2007 *Ledbetter* decision.

S. 181 would not only reverse *Ledbetter* but would overhaul key portions of major civil rights laws, severely weakening, and effectively eliminating, the statute of limitations for filing discrimination claims. It would for the first time allow not just employees but those potentially "affected by" discrimination to file suits and permit retirees to file claims over actions that took place decades earlier.

Eliminating this statute of limitation benefits neither employees nor employers. Instead, alleged discrimination could go undetected for many years, subjecting an increasing number of employees to wrongful actions. At the same time, employers would be forced to spend resources that could otherwise be used to create and retain jobs to defend against an avalanche of decades-old, potentially frivolous claims. The anticipated increase in legal and administrative costs for American companies could be staggering.

The NAM stands ready to work with you to prevent and mitigate workplace discrimination and to restore economic stability. However, this legislation does not support either of these shared goals. The NAM's Key Vote Advisory Committee has indicated that votes on S. 181, including potential procedural motions, may be considered for designation as Key Manufacturing Votes in the 111th Congress. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "J Timmons". The signature is fluid and cursive, with a large initial "J" and a long, sweeping tail.

Jay Timmons
Executive Vice President

Manufacturing Makes America Strong