



WASHINGTON BUREAU · NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE  
1156 15<sup>TH</sup> STREET, NW SUITE 915 · WASHINGTON, DC 20005 · P (202) 463-2940 · F (202) 463-2953  
E-MAIL: WASHINGTONBUREAU@NAACPNET.ORG · WEB ADDRESS WWW.NAACP.ORG

## ISSUE UPDATE

**DATE:** April 28, 2008  
**TO:** Concerned Parties  
**FROM:** Hilary O. Shelton, Director, Washington Bureau

### **NAACP-Supported Anti Wage Discrimination Legislation Fails to Move Past Key Senate Hurdle**

***Although a Strong Majority of Senators (56) Supported the Bill, We Fall Short of the 60 Needed to Avoid a Filibuster***

#### **THE ISSUE:**

On April 23, 2008, the United States Senate voted on whether or not to invoke cloture, and thus end debate, on H.R. 2831, the *Lilly Ledbetter Fair Pay Act*. Although a strong majority (56 out of 100) of the Senators present voted for the bill, two thirds of the Senators, or 60 are needed to avoid a filibuster. Thus, the bill must go back to Committee to be brought up again at a later date when we will hopefully have more success.

On May 29, 2007, the US Supreme Court handed down a troubling decision in *Ledbetter v. Goodyear Tire and Rubber Co.*, in which the Court held that an action for pay discrimination under Title VII of the 1964 Civil Rights Act, which prohibits discrimination based on race, color, religion, national origin or sex must be brought *within 180 days of the initial discriminatory pay decision*. This means that an individual who is receiving less pay for equal work due to his or her race, ethnic background, gender or age, must file a lawsuit within 180 days of his or her first discriminatory paycheck in order for the suit to be considered by the courts.

This ruling ignores the fact that individuals who are receiving less pay often do not realize that they are being discriminated against in the first three months. Nor does it take into account the fact that oftentimes an individual is able to determine discrimination only after several months (and sometimes even years). Most individual's wages are kept confidential so comparison is often difficult.

To address the errors of the Supreme Court decision (and to reinstitute the original intent of Congress in the 1964 Civil Rights Act), the US House of Representatives passed, on July 31, H.R. 2831, the *Lily Ledbetter Fair Pay Act of 2007* by a bipartisan margin of 225 to 199. Under this legislation, an individual may file a discrimination suit against an employer (or former employer) within 180 days of the end of his or her employment.

**SEE HOW EACH SENATOR VOTED ON THE FOLLOWING PAGE**

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## RESTORING THE RIGHTS OF WORKERS TO PURSUE ANTI-WAGE DISCRIMINATION REMEDIES

H.R. 2831 Lily Ledbetter Fair Pay Act of 2007 / Cloture / Roll Call Vote #110

Vote to invoke cloture, or end debate, on legislation reasserting Congress' original intent in the 1964 Civil Rights Act and allowing employees to file charges of pay discrimination within 180 days **of the last received pay check affected by the discrimination**. Cloture failed on April 23, 2008, by a vote of 56 yeas to 42 nays (3/5, or 60 Senators must vote yea to invoke cloture). THE NAACP SUPPORTED THE MOTION TO INVOKE CLOTURE & PASSAGE OF THE LEGISLATION.

### ALABAMA

Shelby ▽  
Sessions ▽

### ALASKA

Stevens ▽  
Murkowski, L. ▽

### ARIZONA

McCain ?  
Kyl ▽

### ARKANSAS

Lincoln ▲  
Pryor ▲

### CALIFORNIA

Feinstein ▲  
Boxer ▲

### COLORADO

Allard ▽  
Salazar, Ken ▲

### CONNECTICUT

Dodd ▲  
Lieberman ▲

### DELAWARE

Biden ▲  
Carper ▲

### FLORIDA

Nelson, Bill ▲  
Martinez ▽

### GEORGIA

Chambliss ▽  
Isakson ▽

### HAWAII

Inouye ▲  
Akaka ▲

### IDAHO

Craig ▽  
Crapo ▽

### ILLINOIS

Durbin ▲  
Obama ▲

### INDIANA

Lugar ▽  
Bayh ▲

### IOWA

Grassley ▽  
Harkin ▲

### KANSAS

Brownback ▽  
Roberts ▽

### KENTUCKY

McConnell ▽  
Bunning ▽

### LOUISIANA

Landrieu ▲  
Vitter ▽

### MAINE

Snowe ▲  
Collins ▲

### MARYLAND

Mikulski ▲  
Cardin ▲

### MASSACHUSETTS

Kennedy ▲  
Kerry, John ▲

### MICHIGAN

Levin, Carl ▲  
Stabenow ▲

### MINNESOTA

Coleman ▲  
Klobuchar ▲

### MISSISSIPPI

Cochran ▽  
Wicker ▽

### MISSOURI

Bond ▽  
McCaskill ▲

### MONTANA

Baucus ▲  
Tester ▲

### NEBRASKA

Hagel ?  
Nelson, Ben ▲

### NEVADA

Reid, Harry\* ▽  
Ensign ▽

### NEW HAMPSHIRE

Gregg ▽  
Sununu ▲

### NEW JERSEY

Lautenberg ▲  
Menendez ▲

### NEW MEXICO

Domenici ▽  
Bingaman ▲

### NEW YORK

Schumer ▲  
Clinton ▲

### NORTH CAROLINA

Dole ▽  
Burr ▽

### NORTH DAKOTA

Conrad ▲  
Dorgan ▲

### OHIO

Voinovich ▽  
Brown ▲

### OKLAHOMA

Inhofe ▽  
Coburn ▽

### OREGON

Wyden ▲  
Smith, Gordon ▲

### PENNSYLVANIA

Specter ▲  
Casey ▲

### RHODE ISLAND

Reed, Jack ▲  
Whitehouse ▲

### SOUTH CAROLINA

Graham ▽  
DeMint ▽

### SOUTH DAKOTA

Johnson ▲  
Thune ▽

### TENNESSEE

Alexander ▽  
Corker ▽

### TEXAS

Hutchison ▽  
Cornyn ▽

### UTAH

Hatch ▽  
Bennett ▽

### VERMONT

Leahy ▲  
Sanders ▲

### VIRGINIA

Warner ▽  
Webb ▲

### WASHINGTON

Murray ▲  
Cantwell ▲

### WEST VIRGINIA

Byrd ▲  
Rockefeller ▲

### WISCONSIN

Kohl ▲  
Feingold ▲

### WYOMING

Enzi ▽  
Barrasso ▽

#### VOTE KEY

▽ = Voted against the NAACP position

▲ = Voted in support of the NAACP position

? = Did not Vote

\* Sen. Reid (NV) originally voted in favor of cloture but changed his vote for procedural reasons so that he can bring the bill up again in the future. Sen. Reid is strongly in favor of cloture and the underlying bill.