

July 30, 2008

To All Members of the U.S. House of Representatives:

The undersigned organizations strongly oppose H.R. 1338, the Paycheck Fairness Act, which we understand may be considered by the House of Representatives tomorrow. We urge you to oppose this bill.

H.R. 1338 would allow unlimited punitive and compensatory damages for violations of the Equal Pay Act (EPA). The EPA is a strict liability statute and requires no showing of intent. It is one thing to require employers to correct improper wage differentials, but quite another to impose unlimited punitive damages for unintentional conduct. The business community opposes unlawful discrimination in any form. If *intentional* discrimination occurs, appropriate remedies, including punitive and compensatory damages, are available under Title VII of the Civil Rights Act of 1964.

Among the other troubling provisions of H.R. 1338 are its changes to the EPA that would make it easier to file large class actions against employers and to make it more difficult for employers to justify legitimate differences in pay. It would also force the Labor Department to return to discredited statistical models and inaccurate survey tools in an effort to enforce civil rights laws among federal contractors.

For these reasons, we urge you to vote against H.R. 1338 when it comes before the full House of Representatives.

Sincerely,

American Hotel and Lodging Association  
American Bakers Association  
Associated Builders and Contractors  
College and University Professional Association for Human Resources  
Environmental Industry Associations  
Food Marketing Institute  
HR Policy Association  
Independent Electrical Contractors  
International Foodservice Distributors Association  
International Franchise Association  
International Public Management Association for Human Resources  
National Association of Convenience Stores  
National Association of Manufacturers  
National Federation of Independent Business  
National Public Employer Labor Relations Association  
National Restaurant Association  
National Retail Federation  
National Roofing Contractors Association  
Printing Industries of America  
Retail Industry Leaders Association  
Society for Human Resource Management  
Textile Rental Services Association of America  
U.S. Chamber of Commerce