

**EDUCATION & LABOR COMMITTEE**

**Congressman George Miller, Chairman**

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Press Office, 202-226-0853

**Chairman Miller Statement at Committee Hearing On “H.R. 3017,  
“The Employment Non-Discrimination Act of 2009”**

WASHINGTON, D.C. – *Below are the prepared remarks of U.S. Rep. George Miller (D-CA), chairman of the House Education and Labor Committee, for a committee hearing on “H.R. 3010, “The Employment Non-Discrimination Act of 2009.”*

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The Education and Labor Committee meets today to examine historic legislation that will finally end legal discrimination on the basis of sexual orientation and gender identity.

H.R. 3017, the Employment Non-Discrimination Act, will ensure that employment decisions are based on merit and performance and not prejudice.

Twenty-nine states permit employers to make critical employment decisions based solely on an employee’s sexual orientation. And in 38 states, it is perfectly legal to discriminate based on gender identity.

If you happen to live in one of these states, employers can legally fire, refuse to hire, demote, or pass you over for promotion on the basis of your sexual orientation or gender identity. Because of this, 172 million Americans are subject to legal employment discrimination, including those who work for state governments.

Fully qualified individuals are being denied employment or are being fired from their jobs for completely non-work-related reasons. This is profoundly unfair and, indeed, un-American. And, it is bad for business.

Tellingly, many major businesses have adopted policies to ensure they are able to attract and retain the best, most-qualified employees, regardless of their sexual orientation or gender identity. They have done so both because it is the right thing to do and because it helps their bottom line.

Our entire workforce and our nation’s competitiveness will benefit from ensuring that every worker is judged on how they do their job, not who they are. If we do nothing, untold numbers of American workers will continue to go to work with the legitimate fear that they could be fired for nothing more than who they love or their gender identity.

The Employment Non-Discrimination Act would protect all Americans from this type of injustice by extending employment discrimination protections for gay, lesbian, bisexual, transgender and heterosexual workers.

It would prohibit businesses with 15 or more employees, employment agencies, government agencies and labor unions from using sexual orientation or gender identity as the basis for employment decisions. The Employment Non-Discrimination Act provides the same procedures for handling workers' grievances as Title VII employment discrimination claims. The bill will also exempt religious organizations from coverage, using the exact language found in Title VII of the Civil Rights Act and supported by more than 400 members in the last Congress.

Today we will hear from three panels of witnesses on this legislation.

I would like to recognize the strong leadership of our first panel, Representatives Barney Frank and Tammy Baldwin. It is because of their tireless efforts that we are here today debating this important legislation. I am also pleased to welcome a representative from the Obama administration to give their perspective on the Employment Non-Discrimination Act.

In the last panel, we will hear testimony from a Georgia state legislative employee who was fired after she informed her supervisor that she intended to undergo gender reassignment.

In addition, two expert witnesses will present an extensive record documenting the longstanding and widespread pattern of discriminatory actions by state and local governments against their lesbian, gay, bisexual and transgender employees.

One will discuss the role prejudice played when he was denied a promotion at a state university. Another witness will talk about the balance that the Employment Non-Discrimination Act strikes between the civil rights of workers and the interests of religious organizations.

For more than three decades, gay, lesbian, bisexual and transgender Americans have waged a courageous campaign for their workplace rights. I regret that they had to wait so long for us to respond.

We took a big step forward in 2007 when the House held the first ever hearing, committee votes and House passage of the Employment Non-Discrimination Act.

Unfortunately, President Bush threatened to veto the Employment Non-Discrimination Act if it reached his desk at that time. But today we have a new opportunity.

We have a new President who supports the civil rights of all Americans and has vowed to sign this legislation into law.

I look forward to hearing from all our witnesses today on this very important bill.

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