



**EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503**

June 22, 2021  
(House Rules)

## **STATEMENT OF ADMINISTRATION POLICY**

### **H.R. 2062 – Protecting Older Workers Against Discrimination Act** (Rep. Scott, D-VA, and 112 cosponsors)

The Administration supports House passage of the Protecting Older Workers Against Discrimination Act (POWADA). The bipartisan legislation would restore legal protections for older Americans and hold employers accountable for age discrimination.

The bill amends the Age Discrimination in Employment Act (ADEA), Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), and the Rehabilitation Act of 1973, to replace the “but-for” test established in *Gross v. FBL Financial Services, Inc.* with the “motivating factor” test. The bill thereby aligns the burden of proof for age discrimination with similar standards for proving discrimination based on race and national origin. In addition, the bill allows individuals claiming discrimination to rely on any type or form of admissible evidence to prove an unlawful practice occurred.

Workplace discrimination prevents people from fully accessing the American dream and limits the contributions that they can make to our shared prosperity. Ending it is a priority for the Administration. The President supports this bipartisan legislation that protects workers from age discrimination.

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