

reached the Supreme Court which held that Ledbetter had waited too long to sue for pay discrimination, despite the fact that she filed a charge with the U.S. Equal Employment Opportunity Commission as soon as she received the anonymous note. The Supreme Court said that under Federal fair pay laws a person must file a discrimination claim within 180 days of the first violation.

Today our opponents will say that this bill is a trial lawyer's dream and that it will bring unnecessary litigation. This is simply not true. The Lilly Ledbetter Fair Pay Act restores the law as it was prior to the Supreme Court's decision. Prior law was fair and worked. Before the Court's ruling, the law was clear—every discriminatory paycheck was a new violation of the law that restarted the clock for filing a claim. Under the Supreme Court's ruling, the Ledbetter decision allows employers to escape responsibility by keeping their discrimination hidden and running out the clock.

The Lilly Ledbetter Fair Pay Act clarifies that each new paycheck resulting from a discriminatory pay decision constitutes a new violation of employment nondiscrimination law. As long as a worker files a charge within 180 days of a discriminatory paycheck, the charge would be considered timely.

This is what the law was and what it should be going forward. I'm very proud to support this bill and I urge a "yes" vote on the underlying legislation.

Mr. STARK. Madam Speaker, I rise in strong support of pay equity.

The Supreme Court's ruling in Ledbetter v. Goodyear was absurd. If I broke the law for nearly two decades—as the Goodyear Tire and Rubber Company did when they stiffed Lilly Ledbetter out of the pay she deserved for 19 years—I couldn't turn around and say that I didn't owe anything because no one caught me during the first 6 months. Yet that's exactly what the Supreme Court allowed Goodyear to say to Ms. Ledbetter.

The existing law is unfair. Many workers don't even discover that they're being discriminated against until the existing 180-day statute of limitations has passed. In every other area of American tort law, the clock restarts with every new violation. The Lilly Ledbetter Fair Pay Act simply fixes existing law so that sex discrimination is treated the same way.

My Republican colleagues love to call up the "frivolous lawsuits" bogeyman to scare hard-working Americans out of their rights, but there's nothing frivolous about equality and justice. The wage gap in the United States has remained stagnant over the last 7 years. Women in the United States still make less than 78 cents for every dollar a man makes. Women of color have it even worse: African-American women earn only 68.7 cents and Latin American women 59 cents for every dollar an American man makes.

That's why I'm a co-sponsor of the Lilly Ledbetter Fair Pay Act, and why I encourage all of my colleagues to join me in passing this important legislation. American workers deserve better. They deserve equal pay for equal work, regardless of gender, race, ethnicity, religion, and sexual and gender orientation. When they don't get it, they deserve their day in court.

Mr. TIAHRT. Madam Speaker, I rise today in opposition to H.R. 11, the Lilly Ledbetter Fair Pay Act. Although I join my colleagues in steadfast opposition to pay discrimination, this

ill-advised, over-reaching, and disingenuous overhaul of civil rights law is the wrong approach.

Pay discrimination is not a partisan issue. Pay discrimination strikes at the heart of the American Dream. For more than 40 years, the 1963 Equal Pay Act and Title VII of the 1964 Civil Rights Act has made it illegal for employers to determine an employee's pay scale based on his or her gender. I wholeheartedly agree and support these laws. Every American should be able to work hard, and make a living for his or her family. We can not tolerate gender discrimination in the workplace.

This legislation, however, is about bad politics rather than good policy. H.R. 11 was supposedly written to remedy a sad situation for one person—Lilly Ledbetter. She was apparently paid significantly less than her counterparts at Goodyear Tire Company during her tenure there. Decades later Ms. Ledbetter filed a claim of discrimination. Taking her claim through the courts, the U.S. Supreme Court ruled on May 29, 2007 that the statute of limitations had unfortunately run out.

Instead of simply restoring prior law, by overturning a Supreme Court ruling against Ms. Ledbetter, in reality, Democrats will gut a decades-old statute of limitations that prevents the filing of "stale" claims and protects against abuse of the legal system. Current law rightly provides a statute of limitations to file a discrimination claim, up to 300 days after the alleged workplace discrimination occurred. Under this bill, however, employees or retirees could sue for pay discrimination years, even decades, after the alleged discrimination.

How can a company defend itself when the accused offenders left the company decades before? The answer is—they can't. And that is exactly the answer desired by the trial lawyers who support this legislation. This legislation will not end pay discrimination, but it will certainly encourage frivolous claims and lawsuits. It is inevitable that under this legislation employees will sue companies for reasons that have little if anything to do with the accused discrimination.

Madam Speaker, the issue of pay discrimination is too important to consider this poorly crafted, politically motivated piece of legislation. As much as we sympathize with Ms. Ledbetter, H.R. 11 is bad legislation. Let us instead join together, work in a bipartisan manner, to address pay discrimination while not destroying decades-worth of solid employment discrimination law. Until then, I ask my colleagues to join with me in opposing this legislation.

Mr. HOLT. Madam Speaker, I rise in strong support of the H.R. 11, the Lilly Ledbetter Fair Pay Act of 2009.

For nearly 20 years, Lilly Ledbetter worked at a Goodyear Tire facility in Alabama. After learning that she was the lowest paid supervisor—earning 20 percent less than the lowest paid, least experienced man in the same position at Goodyear—she sued the company for pay discrimination. On May 29, 2007, after a series of cases and appeals, the Supreme Court handed down a disturbing 5–4 ruling that fundamentally rewrote protections that American workers have enjoyed for more than 40 years when they were codified in the Civil Rights Act of 1964.

According to Justice Samuel Alito, who wrote the flawed decision, when Ms. Ledbetter failed to file a discrimination case within the

statutorily provided 180 days from the initial decision to pay her less than her male colleagues, she was barred from filing a complaint and no relief was available. Despite documenting the sex based evaluation system Goodyear managers used, Lilly Ledbetter was denied justice and the rights afforded to her under the Civil Rights Act.

Justice Alito's opinion runs contrary to decades of civil rights law, and the Lilly Ledbetter Fair Act would restore the law as it was prior to the Court's ill considered decision. This bill would make it clear that when it comes to discriminatory pay, the protections of Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act and the Rehabilitation Act extend not only to these discriminatory pay decisions and practices but to every paycheck that results from those pay decisions and practices.

As an original cosponsor of the Lilly Ledbetter Fair Pay Act, I urge my colleagues to support its passage, and I encourage the Senate to work quickly to send it to the President.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to section 5(a) of House Resolution 5, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. GEORGE MILLER of California. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this bill will be postponed.

#### PAYCHECK FAIRNESS ACT

Mr. GEORGE MILLER of California. Madam Speaker, pursuant to section 5(b) of House Resolution 5, I call up the bill (H.R. 12) to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 12

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Paycheck Fairness Act".

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) Women have entered the workforce in record numbers over the past 50 years.

(2) Despite the enactment of the Equal Pay Act in 1963, many women continue to earn significantly lower pay than men for equal work. These pay disparities exist in both the private and governmental sectors. In many instances, the pay disparities can only be

due to continued intentional discrimination or the lingering effects of past discrimination.

(3) The existence of such pay disparities—

(A) depresses the wages of working families who rely on the wages of all members of the family to make ends meet;

(B) undermines women's retirement security, which is often based on earnings while in the workforce;

(C) prevents the optimum utilization of available labor resources;

(D) has been spread and perpetuated, through commerce and the channels and instrumentalities of commerce, among the workers of the several States;

(E) burdens commerce and the free flow of goods in commerce;

(F) constitutes an unfair method of competition in commerce;

(G) leads to labor disputes burdening and obstructing commerce and the free flow of goods in commerce;

(H) interferes with the orderly and fair marketing of goods in commerce; and

(I) in many instances, may deprive workers of equal protection on the basis of sex in violation of the 5th and 14th amendments.

(4)(A) Artificial barriers to the elimination of discrimination in the payment of wages on the basis of sex continue to exist decades after the enactment of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) and the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.).

(B) These barriers have resulted, in significant part, because the Equal Pay Act has not worked as Congress originally intended. Improvements and modifications to the law are necessary to ensure that the Act provides effective protection to those subject to pay discrimination on the basis of their sex.

(C) Elimination of such barriers would have positive effects, including—

(i) providing a solution to problems in the economy created by unfair pay disparities;

(ii) substantially reducing the number of working women earning unfairly low wages, thereby reducing the dependence on public assistance;

(iii) promoting stable families by enabling all family members to earn a fair rate of pay;

(iv) remedying the effects of past discrimination on the basis of sex and ensuring that in the future workers are afforded equal protection on the basis of sex; and

(v) ensuring equal protection pursuant to Congress' power to enforce the 5th and 14th amendments.

(5) The Department of Labor and the Equal Employment Opportunity Commission have important and unique responsibilities to help ensure that women receive equal pay for equal work.

(6) The Department of Labor is responsible for—

(A) collecting and making publicly available information about women's pay;

(B) ensuring that companies receiving Federal contracts comply with anti-discrimination affirmative action requirements of Executive Order 11246 (relating to equal employment opportunity);

(C) disseminating information about women's rights in the workplace;

(D) helping women who have been victims of pay discrimination obtain a remedy; and

(E) being proactive in investigating and prosecuting equal pay violations, especially systemic violations, and in enforcing all of its mandates.

(7) The Equal Employment Opportunity Commission is the primary enforcement agency for claims made under the Equal Pay Act, and issues regulations and guidance on appropriate interpretations of the law.

(8) With a stronger commitment by the Department of Labor and the Equal Employ-

ment Opportunity Commission to their responsibilities, increased information as a result of the amendments made by this Act to the Equal Pay Act of 1963, wage data, and more effective remedies, women will be better able to recognize and enforce their rights.

(9) Certain employers have already made great strides in eradicating unfair pay disparities in the workplace and their achievements should be recognized.

### SEC. 3. ENHANCED ENFORCEMENT OF EQUAL PAY REQUIREMENTS.

(a) BONA-FIDE FACTOR DEFENSE AND MODIFICATION OF SAME ESTABLISHMENT REQUIREMENT.—Section 6(d)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)(1)) is amended—

(1) by striking “No employer having” and inserting “(A) No employer having”;

(2) by striking “any other factor other than sex” and inserting “a bona fide factor other than sex, such as education, training, or experience”;

(3) by inserting at the end the following:

“(B) The bona fide factor defense described in subparagraph (A)(iv) shall apply only if the employer demonstrates that such factor (i) is not based upon or derived from a sex-based differential in compensation; (ii) is job-related with respect to the position in question; and (iii) is consistent with business necessity. Such defense shall not apply where the employee demonstrates that an alternative employment practice exists that would serve the same business purpose without producing such differential and that the employer has refused to adopt such alternative practice.

“(C) For purposes of subparagraph (A), employees shall be deemed to work in the same establishment if the employees work for the same employer at workplaces located in the same county or similar political subdivision of a State. The preceding sentence shall not be construed as limiting broader applications of the term ‘establishment’ consistent with rules prescribed or guidance issued by the Equal Opportunity Employment Commission.”

(b) NONRETALIATION PROVISION.—Section 15 of the Fair Labor Standards Act of 1938 (29 U.S.C. 215(a)(3)) is amended—

(1) in subsection (a)(3), by striking “employee has filed” and all that follows and inserting “employee—

“(A) has made a charge or filed any complaint or instituted or caused to be instituted any investigation, proceeding, hearing, or action under or related to this Act, including an investigation conducted by the employer, or has testified or is planning to testify or has assisted or participated in any manner in any such investigation, proceeding, hearing or action, or has served or is planning to serve on an industry Committee; or

“(B) has inquired about, discussed or disclosed the wages of the employee or another employee.”; and

(2) by adding at the end the following:

“(c) Subsection (a)(3)(B) shall not apply to instances in which an employee who has access to the wage information of other employees as a part of such employee's essential job functions discloses the wages of such other employees to individuals who do not otherwise have access to such information, unless such disclosure is in response to a complaint or charge or in furtherance of an investigation, proceeding, hearing, or action under section 6(d), including an investigation conducted by the employer. Nothing in this subsection shall be construed to limit the rights of an employee provided under any other provision of law.”

(c) ENHANCED PENALTIES.—Section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)) is amended—

(1) by inserting after the first sentence the following: “Any employer who violates section 6(d) shall additionally be liable for such compensatory damages, or, where the employee demonstrates that the employer acted with malice or reckless indifference, punitive damages as may be appropriate, except that the United States shall not be liable for punitive damages.”;

(2) in the sentence beginning “An action to”, by striking “either of the preceding sentences” and inserting “any of the preceding sentences of this subsection”;

(3) in the sentence beginning “No employees shall”, by striking “No employees” and inserting “Except with respect to class actions brought to enforce section 6(d), no employee”;

(4) by inserting after the sentence referred to in paragraph (3), the following: “Notwithstanding any other provision of Federal law, any action brought to enforce section 6(d) may be maintained as a class action as provided by the Federal Rules of Civil Procedure.”; and

(5) in the sentence beginning “The court in”

(A) by striking “in such action” and inserting “in any action brought to recover the liability prescribed in any of the preceding sentences of this subsection”;

(B) by inserting before the period the following: “, including expert fees”.

(d) ACTION BY SECRETARY.—Section 16(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(c)) is amended—

(1) in the first sentence—

(A) by inserting “or, in the case of a violation of section 6(d), additional compensatory or punitive damages, as described in subsection (b),” before “and the agreement”; and

(B) by inserting before the period the following: “, or such compensatory or punitive damages, as appropriate”;

(2) in the second sentence, by inserting before the period the following: “and, in the case of a violation of section 6(d), additional compensatory or punitive damages, as described in subsection (b)”;

(3) in the third sentence, by striking “the first sentence” and inserting “the first or second sentence”; and

(4) in the last sentence—

(A) by striking “commenced in the case” and inserting “commenced—  
“(1) in the case”;

(B) by striking the period and inserting “; or”;

(C) by adding at the end the following:

“(2) in the case of a class action brought to enforce section 6(d), on the date on which the individual becomes a party plaintiff to the class action.”

### SEC. 4. TRAINING.

The Equal Employment Opportunity Commission and the Office of Federal Contract Compliance Programs, subject to the availability of funds appropriated under section 10, shall provide training to Commission employees and affected individuals and entities on matters involving discrimination in the payment of wages.

### SEC. 5. NEGOTIATION SKILLS TRAINING FOR GIRLS AND WOMEN.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Labor, after consultation with the Secretary of Education, is authorized to establish and carry out a grant program.

(2) GRANTS.—In carrying out the program, the Secretary of Labor may make grants on a competitive basis to eligible entities, to carry out negotiation skills training programs for girls and women.

(3) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this subsection, an entity shall be a public agency, such as a State,

a local government in a metropolitan statistical area (as defined by the Office of Management and Budget), a State educational agency, or a local educational agency, a private nonprofit organization, or a community-based organization.

(4) APPLICATION.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Secretary of Labor at such time, in such manner, and containing such information as the Secretary of Labor may require.

(5) USE OF FUNDS.—An entity that receives a grant under this subsection shall use the funds made available through the grant to carry out an effective negotiation skills training program that empowers girls and women. The training provided through the program shall help girls and women strengthen their negotiation skills to allow the girls and women to obtain higher salaries and rates of compensation that are equal to those paid to similarly-situated male employees.

(b) INCORPORATING TRAINING INTO EXISTING PROGRAMS.—The Secretary of Labor and the Secretary of Education shall issue regulations or policy guidance that provides for integrating the negotiation skills training, to the extent practicable, into programs authorized under—

(1) in the case of the Secretary of Education, the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.), the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), and other programs carried out by the Department of Education that the Secretary of Education determines to be appropriate; and

(2) in the case of the Secretary of Labor, the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), and other programs carried out by the Department of Labor that the Secretary of Labor determines to be appropriate.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Labor and the Secretary of Education shall prepare and submit to Congress a report describing the activities conducted under this section and evaluating the effectiveness of such activities in achieving the purposes of this Act.

#### SEC. 6. RESEARCH, EDUCATION, AND OUTREACH.

The Secretary of Labor shall conduct studies and provide information to employers, labor organizations, and the general public concerning the means available to eliminate pay disparities between men and women, including—

(1) conducting and promoting research to develop the means to correct expeditiously the conditions leading to the pay disparities;

(2) publishing and otherwise making available to employers, labor organizations, professional associations, educational institutions, the media, and the general public the findings resulting from studies and other materials, relating to eliminating the pay disparities;

(3) sponsoring and assisting State and community informational and educational programs;

(4) providing information to employers, labor organizations, professional associations, and other interested persons on the means of eliminating the pay disparities;

(5) recognizing and promoting the achievements of employers, labor organizations, and professional associations that have worked to eliminate the pay disparities; and

(6) convening a national summit to discuss, and consider approaches for rectifying, the pay disparities.

#### SEC. 7. ESTABLISHMENT OF THE NATIONAL AWARD FOR PAY EQUITY IN THE WORKPLACE.

(a) IN GENERAL.—There is established the Secretary of Labor's National Award for Pay Equity in the Workplace, which shall be awarded, as appropriate, to encourage proactive efforts to comply with section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)).

(b) CRITERIA FOR QUALIFICATION.—The Secretary of Labor shall set criteria for receipt of the award, including a requirement that an employer has made substantial effort to eliminate pay disparities between men and women, and deserves special recognition as a consequence of such effort. The Secretary shall establish procedures for the application and presentation of the award.

(c) BUSINESS.—In this section, the term "employer" includes—

(1)(A) a corporation, including a nonprofit corporation;

(B) a partnership;

(C) a professional association;

(D) a labor organization; and

(E) a business entity similar to an entity described in any of subparagraphs (A) through (D);

(2) an entity carrying out an education referral program, a training program, such as an apprenticeship or management training program, or a similar program; and

(3) an entity carrying out a joint program, formed by a combination of any entities described in paragraph (1) or (2).

#### SEC. 8. COLLECTION OF PAY INFORMATION BY THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

Section 709 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-8) is amended by adding at the end the following:

"(f)(1) Not later than 18 months after the date of enactment of this subsection, the Commission shall—

"(A) complete a survey of the data that is currently available to the Federal Government relating to employee pay information for use in the enforcement of Federal laws prohibiting pay discrimination and, in consultation with other relevant Federal agencies, identify additional data collections that will enhance the enforcement of such laws; and

"(B) based on the results of the survey and consultations under subparagraph (A), issue regulations to provide for the collection of pay information data from employers as described by the sex, race, and national origin of employees.

"(2) In implementing paragraph (1), the Commission shall have as its primary consideration the most effective and efficient means for enhancing the enforcement of Federal laws prohibiting pay discrimination. For this purpose, the Commission shall consider factors including the imposition of burdens on employers, the frequency of required reports (including which employers should be required to prepare reports), appropriate protections for maintaining data confidentiality, and the most effective format for the data collection reports."

#### SEC. 9. REINSTATEMENT OF PAY EQUITY PROGRAMS AND PAY EQUITY DATA COLLECTION.

(a) BUREAU OF LABOR STATISTICS DATA COLLECTION.—The Commissioner of Labor Statistics shall continue to collect data on women workers in the Current Employment Statistics survey.

(b) OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS INITIATIVES.—The Director of the Office of Federal Contract Compliance Programs shall ensure that employees of the Office—

(1)(A) shall use the full range of investigatory tools at the Office's disposal, including pay grade methodology;

(B) in considering evidence of possible compensation discrimination—

(i) shall not limit its consideration to a small number of types of evidence; and

(ii) shall not limit its evaluation of the evidence to a small number of methods of evaluating the evidence; and

(C) shall not require a multiple regression analysis or anecdotal evidence for a compensation discrimination case;

(2) for purposes of its investigative, compliance, and enforcement activities, shall define "similarly situated employees" in a way that is consistent with and not more stringent than the definition provided in item 1 of subsection A of section 10-III of the Equal Employment Opportunity Commission Compliance Manual (2000), and shall consider only factors that the Office's investigation reveals were used in making compensation decisions; and

(3) shall reinstate the Equal Opportunity Survey, as required by section 60-2.18 of title 41, Code of Federal Regulations (as in effect on September 7, 2006), designating not less than half of all nonconstruction contractor establishments each year to prepare and file such survey, and shall review and utilize the responses to such survey to identify contractor establishments for further evaluation and for other enforcement purposes as appropriate.

(c) DEPARTMENT OF LABOR DISTRIBUTION OF WAGE DISCRIMINATION INFORMATION.—The Secretary of Labor shall make readily available (in print, on the Department of Labor website, and through any other forum that the Department may use to distribute compensation discrimination information), accurate information on compensation discrimination, including statistics, explanations of employee rights, historical analyses of such discrimination, instructions for employers on compliance, and any other information that will assist the public in understanding and addressing such discrimination.

#### SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$15,000,000 to carry out this Act.

(b) PROHIBITION ON EARMARKS.—None of the funds appropriated pursuant to subsection (a) for purposes of the grant program in section 5 of this Act may be used for a Congressional earmark as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives.

#### SEC. 11. SMALL BUSINESS ASSISTANCE.

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect on the date that is 6 months after the date of enactment of this Act.

(b) TECHNICAL ASSISTANCE MATERIALS.—The Secretary of Labor and the Commissioner of the Equal Employment Opportunity Commission shall jointly develop technical assistance material to assist small businesses in complying with the requirements of this Act and the amendments made by this Act.

(c) SMALL BUSINESSES.—A small business shall be exempt from the provisions of this Act to the same extent that such business is exempt from the requirements of the Fair Labor Standards Act pursuant to section 3(s)(1)(A)(i) and (ii) of such Act.

#### SEC. 12. RULE OF CONSTRUCTION.

Nothing in this Act, or in any amendments made by this Act, shall affect the obligation of employers and employees to fully comply with all applicable immigration laws, including any penalties, fines, or other sanctions.

The SPEAKER pro tempore. Pursuant to section 5(b) of House Resolution 5, the gentleman from California (Mr. MILLER) and the gentleman from California (Mr. McKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. MILLER).

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, Members of the House, in 1963, the Equal Pay Act was passed to end the discriminatory practices of paying men and women differently for performing the same job. The law's principle is that women and men should be paid based upon their merits and not on an employer's prejudice.

Before the Equal Pay Act, women in the workplace earned 59 cents on the dollar compared to their male counterparts. Things have gotten better since the passage of the act, but we still see that women earn only 78 cents for every dollar that is earned by a man doing the same job with the same responsibilities.

It is also very disturbing that African American women earn only 66 cents on the dollar, and Hispanic women earn an astonishing 55 cents on the dollar compared to their male counterparts in the workplace. This wage disparity will cost women anywhere from \$400,000 to \$2 million over a lifetime in lost wages, and it will follow them right into retirement in the form of smaller pensions and reduced Social Security benefits. It will make their health care even more expensive.

Today, this House will take a critical step forward to ensure that the Equal Pay Act lives up to its promise. Over 12 years ago, our colleague, ROSA DELAURO from Connecticut, introduced the Paycheck Fairness Act. In those 12 years, she was unable to get a hearing in this Congress. But she has now received a hearing, and later today she will receive passage of this legislation that will greatly strengthen the Equal Pay Act and close many of the loopholes that have allowed employers to avoid responsibility for discriminatory pay.

Currently, an employer can refute a pay discrimination claim if he or she provides the difference of pay is based upon any factor other than gender, even factors unrelated to the job. That is just unacceptable. An excuse for equal pay that is not related to the job is no excuse at all. H.R. 12 will ensure that employers either provide equal pay for equal work, or provide a real business justification for not doing so. They will have to show that any gender-based wage differential is job-related, not based on or derived from gender-based differential and is consistent with business necessity.

H.R. 12 will also prohibit employers from retaliating against employees who discuss their pay. Many employers have policies forbidding employees from talking about their pay. This was the case of Lilly Ledbetter, the subject of the previous legislation that we just considered here this morning.

□ 1145

For years, Lilly Ledbetter was paid less than her male counterparts just

because she was a woman, but she was unable to know that because she could not discuss her pay with any of the other supervisors, the people in the place of employment. That is wrong. They should be allowed to do that.

Such policies silence workers and allow employers to hide discriminatory pay practices. Employees should feel free to discuss their pay. It is often the only way that they can discover discriminatory pay practice and seek to rectify them.

The bill will also put gender-based discrimination sanctions on an equal footing with other forms of discrimination by allowing women to sue for punitive damages in addition to compensatory damages, just as business and workers may do under section 1981 for race and national origin discrimination.

If we are serious about closing the gender pay gap, we must get serious about punishing those who would otherwise scoff at the weak sanctions under the current law.

The Paycheck Fairness Act will require the Department of Labor to continue collecting pay information based upon gender. It also creates a program designed to help strengthen the negotiation skills of girls and women.

Any pay gap based on gender is unacceptable, especially during these tough economic times. Single women who are head of households are twice as likely to be in poverty as single men.

For families, especially those working under or near the poverty line, equal pay for women will make a significant difference in their economic well-being.

Allowing wage discrimination to continue will hold down women and their families while further harming the American economy.

And, again, I'd like to thank Congresswoman ROSA DELAURO for her passionate advocacy of this legislation and her introduction of this legislation.

I reserve the balance of my time.

Mr. McKEON. Madam Speaker, I rise in opposition to the bill, and I yield myself such time as I may consume.

Discrimination in the workplace is wrong. Paying women lower wages for the same work is wrong. It's also illegal.

Congress enacted protections to ensure equal pay for equal work in 1963 when the Equal Pay Act was added to the Fair Labor Standards Act. Congress acted again to protect women and all Americans from workplace discrimination with the enactment of title VII of the Civil Rights Act.

Together, these laws offer women strong protections against workplace discrimination and strong remedies should they be subject to illegal employment practices.

Yet we're here today debating a bill that has been touted as necessary to protect women from being underpaid. Supporters of the bill would have you believe that unless this legislation is enacted, employers are free to pay

women less money for doing the same job as their male counterparts. Nothing could be further from the truth.

This bill isn't needed to protect women from wage discrimination. Such protections are already included in the law. No, this bill is about something entirely different.

Rather than addressing the real concerns of working families, issues like job training, health care, or a lack of workplace flexibility, this bill invites more and costlier lawsuits.

The bill opens EPA claims to unlimited compensatory and punitive damages for the first time ever. The majority offered an amendment last year that attempts to mask this trial lawyer boondoggle. But make no mistake about it, at the end of the day, this bill will invite more lawyers to bring more lawsuits because it offers them the promise of a bigger payday.

H.R. 12 will breed litigation in other ways as well, from encouraging class action lawsuits to expanding liability.

I am also concerned that this bill has been put forward using misleading claims to justify its dangerous consequences. One statistic that is often repeated is that women earn just 77 cents on the dollar compared to men. Madam Speaker, if a woman earned 77 cents on the dollar doing the same job as a male counterpart, it would be a travesty and it would be illegal.

What supporters of this bill won't tell you is that the 77 percent figure does not compare one man and one woman, equally situated, doing the same job. To argue that a woman only makes 77 cents on the dollar doing the same work as her male counterpart is to distort reality. The 77 percent figure is based on 2005 census data, looking at median earnings of all women and all men who work at least 35 hours per week. Interestingly, if you look at 2006 data from the U.S. Department of Labor comparing men and women who worked 40 hours per week, women actually earned 88 cents on the dollar. That's better but not good enough. The wage gap is much narrower, but the existence of a gap is still troubling.

However, in the 110th Congress, the Education and Labor Committee heard testimony that cited an article published in "The American Economic Review," which found that when data on demographics, education, scores on the Armed Forces Qualification Test, and work experience are added, the wage ratio rises to 91.4 percent. The addition of variables measuring workplace and occupational characteristics, as well as child-related factors, causes the wage ratio to rise to 95.1 percent. When the percentage female in the occupation is added, the wage ratio becomes 97.5 percent, a far less significant difference.

In another study, researchers from the University of Chicago and Cornell University found almost no difference in the pay of male and female top corporate executives when accounting for size of firm, position in the company, age, seniority, and experience.

So before we use the 77 percent figure to justify new legal "gotchas," I think we need a better understanding of the scope of any actual pay disparity and why such a disparity exists.

Madam Speaker, I've said it before and I will say it again: discrimination in the workplace is wrong. Equal pay for equal work was the right principle when it began in 1963, and it is still right today.

The bill before us is not about ensuring equal pay for equal work, and it doesn't offer working women any protections they don't already enjoy. Just look at the plain text of the legislation. This bill is about more and costlier lawsuits.

Madam Speaker, I'm strongly opposed to this bill, and I encourage my colleagues to join me in voting "no."

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), a member of the committee.

Ms. WOOLSEY. Thank you, Mr. Chairman.

Madam Speaker, at one time I was a single mother raising three small children. I worked full time, but I still struggled to put food on the table and to care for my children because my paycheck did not cover all of our needs. That's when women earned 59 cents on the dollar. That's when I needed Aid for Dependent Children to make ends meet at our house, even though I got a paycheck every month.

And that's when I decided that I should join the Sonoma County Commission on the status of women where I eventually became the Chair, and we worked to change that very statistic of what women earn compared to men. But we now are only at 77 cents to the dollar.

That actually was more than 40 years ago, but today there are still millions of mothers in this country that are struggling to provide for their families while trying to balance full-time work. It is a fact, and we have said it before today, that single mothers are twice as likely than single fathers to raise their children in poverty. Unfortunately, so long as women continue to receive 77 cents on the dollar earned by a man, this statistic is unlikely to change anytime soon, particularly when a woman college graduate earns the equivalent of a male gardener.

You've got to take those statistics into your head. You've got to know what it means, and in this current economic climate, things are so bad. We can't in good conscience sit by, and let one American worker earn less than she rightfully deserves.

This gap in pay cannot be explained away just as a result of women's personal choices. In fact, a recent study from the American Association of University Women found that just 1 year out of college, women working full-time make just 80 percent of what their male counterparts earn.

The Paycheck Fairness Act is one of the first steps to get us back to an economic recovery. It must be passed.

Mr. McKEON. I'm happy to yield to at this time to the subcommittee ranking member over this piece of legislation, the gentleman from Minnesota (Mr. KLINE), such time as he may consume.

Mr. KLINE of Minnesota. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, once again I find myself rising in opposition to ill-conceived legislation before Congress. Closely related to the Ledbetter bill we debated earlier today, the so-called Paycheck Fairness Act is yet another attempt to hamstring our Nation's businesses by limiting their ability to make hiring decisions based on the merits of their individual employees.

Despite the misleading title, this bill isn't about paycheck fairness. As my colleagues on the Education and Labor Committee know very well, multiple existing laws, including the Fair Labor Standards Act and the Civil Rights Act, already make it illegal to discriminate on the basis of sex, and rightly so.

Rather than curbing discriminatory employment practices, as its supporters claim, this bill vastly expands the likelihood of discrimination lawsuits by making it easier and more lucrative for trial lawyers to bring such cases. In fact, a more apt name for this bill would be the Plaintiff Bar or Trial Lawyer Expansion Act, and I can understand why some of my colleagues who may have law schools in their districts or have the opportunity to perhaps build a new law school might, in fact, be in favor of this legislation.

This bill would allow discrimination claims to be made on very thin grounds and expose employers to unlimited claims made under the Equal Pay Act, far beyond what is available under any other civil rights law. The bill also exposes employers to unlimited punitive and compensatory damage awards, without requiring proof of intentional discrimination. It eliminates key employer defenses for pay disparities, and it prohibits employers from disciplining or discharging employees for publicly disclosing sensitive wage information.

Madam Speaker, we all can agree that wage discrimination is unconscionable. It is prohibited under Federal laws that are already strongly supported and aggressively enforced by the U.S. Department of Labor.

Congress should not be in the business of making employment decisions for individual businesses. In times of economic uncertainty, we should instead focus on improving conditions for individual workers and enabling our Nation's businesses, large and small, to continue to create jobs and drive our Nation's economy.

I strongly urge my colleagues to vote against this legislation.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS) a member of the committee.

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

□ 1200

Mr. ANDREWS. Mr. Speaker, I rise in support of this legislation, and I would like to address several of the arguments that we have heard against it, first, that this is some bonanza for trial lawyers.

What this is is an opportunity for women who have been discriminated against to get a lawyer. If you work as a sales clerk or in a factory, you can't afford to pay a lawyer the hourly fee that he or she needs to represent you. The only way you are going to get represented is through a contingent fee arrangement where a lawyer would recover, would get to keep part of what you recover as part of the deal.

Now, the problem with the Equal Pay Act is its remedies are limited so much to just twice what your salary is that the damages are never high enough to justify legal representation. This is about getting lawyers for people who have a valid claim who cannot afford the thousands of dollars that it would be.

Second, there was a representation made that defenses are stripped from employers. That's not accurate. What is accurate is that if an employer alleges that some reason other than gender was the reason that he paid the woman less than the man, it has to be a legitimate reason, like level of education or experience. It has to be a legitimate reason. The present law doesn't require that legitimacy.

Finally, the statement was made that an employer cannot discharge an employee for talking about pay scales publicly, that's not accurate. What the law does is to say that it protects employees that are custodians and guardians of pay records. But it certainly doesn't restrict in any way an employer's right to enforce a legitimate and realistic company policy.

This is a good bill. It's an excellent proposal that will help lift the economic status of women who work very hard, every day, in some cases 7 days a week, and deserve it.

I would urge a "yes" vote.

Mr. McKEON. I reserve.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 30 seconds here just to say that I am about to recognize, to speak on this legislation, Congresswoman ROSA DELAURO of Connecticut. I think all of us in the House, whether we agree or disagree with this legislation, recognize the incredible advocacy that she has brought to this issue of equal pay for equal work, of paycheck fairness, of women's rights at work, and the protection of low-income American families throughout her entire career in the Congress.

As I had mentioned earlier in this debate, she introduced this legislation some 12 years ago and has been unable to get a hearing on the legislation. We provided that hearing, and I think it

was compelling to almost all of the members of the committee that this wage disparity and these actions could not continue and deny women their full opportunity to participate in the American economy on equal footing.

So it's with a lot of pride and a great sense of honor just to recognize her to speak on behalf of this legislation which she has introduced and she is the primary author of.

I recognize the gentlewoman from Connecticut for 6 minutes.

Ms. DELAURO. Mr. Speaker, I rise in support of the Paycheck Fairness Act and the Lilly Ledbetter Fair Pay Act. I want to commend and thank Chairman MILLER for his tireless commitment to this issue—I know that we could never have come this far without his tenacious leadership, we are grateful—and to Speaker PELOSI, whose vision and leadership have made pay equity a priority in this Congress.

Earlier this week we convened the 11th Congress. We welcomed our new colleagues to the floor, we celebrated this institution's proudest achievements and honored its great potential. Together, we look to the challenges before us with a great sense of responsibility.

Today, the economy weighs heavily on most Americans. Families across this Nation are struggling with job insecurity, declining incomes, foreclosures and a financial system in crisis. Women, who account for nearly one half of the workforce, feel the effects of this faltering economy with particular force and poignancy.

Incomes for women-headed households are down by 3 percent since 2000. Unmarried women have an average household income almost \$12,000 lower than unmarried men, and half of all women are in jobs that do not offer retirement plans. Retired women are more likely to be poor than elderly men.

With our economy in crisis, so many women are on the edge financially. They feel as if their economic freedom is under assault. Almost 60 percent of women say they are concerned about achieving their economic and financial goals over the next 5 years, 15 points higher than for men.

But we know that it does not have to be this way. Today we face a transformational moment with a new Congress, a new administration. We have a chance to finally provide equal pay for equal work and make opportunity real for millions of American women. The status quo will not do.

The Department of Labor's own data shows that today women still earn 78 cents for every dollar that men earn, and the marketplace alone will not correct this injustice. We need a solution in law, just as our country has done in the past, to bring down discriminatory barriers.

As the National Committee on Pay Equity tells us, pay disparity's long-term impact on women's lifetime earnings is substantial, can cost a woman

anywhere from \$400,000 to \$2 million over her lifetime. That lack of pay equity translates into less income toward a pension, in some cases Social Security benefits. It is no coincidence that 70 percent of older adults living in poverty are women.

I am so proud that, together with the Lilly Ledbetter Fair Pay Act, the Paycheck Fairness Act is among the first legislative proposals this Congress has chosen to consider. It says something profound about our priorities as an institution and our goals for the months ahead. It says that we are a Nation that values the work that women do in our society.

The Paycheck Fairness Act closes loopholes that have enabled employers to evade liability, stiffens penalties for employers who discriminate based on gender, protects employees from retaliation for sharing salary information, with some exceptions. It establishes a grant initiative to provide negotiation skills training programs for girls and women.

It addresses a real problem with concrete solutions. Last year working women filed over 800 charges of unlawful sex-based pay discrimination with the U.S. Equal Employment Opportunity Commission. We all know Lilly Ledbetter's story. For so many years she was shortchanged by her employer.

This week, a New York Times editorial said that by acting today, we can, and I quote, "signal a welcome new seriousness in Washington about protecting civil rights after 8 years of erosion."

This is our moment to fight for economic freedom and to eliminate the systemic discrimination faced by women workers. Because what we know is at stake, had the Paycheck Fairness Act been the law of the land when Lilly Ledbetter decided to go to court, she would have had a far better opportunity to receive just compensation for the discrimination that she endured.

That is why President-elect Obama has said about the Paycheck Fairness Act, and I quote, "This isn't just an economic issue for millions of Americans and their families. It's a question of who we are as a country—of whether we're going to live up to our values as a Nation."

Pay equity is not just another benefit to be bargained for or bargained away. It is about giving women the power to gain economic security for themselves and for their families. This body took a major step when it passed the Lilly Ledbetter Fair Pay Act and the Paycheck Fairness Act last summer. We return today to carry that momentum forward, finish what we started.

I have always been proud to serve in this institution, and I revere those lawmakers who, before us on previous days, took a stand for health care, for the elderly or for the Civil Rights Act and for the Family and Medical Leave Act and made such an impact on people's lives.

That is the whole reason why we are here. It is my hope that the House acts today to pass both the Lilly Ledbetter Fair Pay Act and the Paycheck Fairness Act to again make history for this country.

Mr. McKEON. Mr. Speaker, I continue to reserve.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. HARE), a member of the committee.

Mr. HARE. Mr. Speaker, I rise in strong support of H.R. 12, the Paycheck Fairness Act, of which I am a proud cosponsor. I want to commend my friend and colleague, Representative ROSA DELAURO, for introducing this legislation so we can seriously address the long-standing problem of gender-based wage discrimination in our Nation.

According to the U.S. Census Bureau, women only make 77 cents for every dollar earned by a man. This wage disparity will end up costing women anywhere from \$400,000 to \$2 million over a lifetime in lost wages. Making matters worse, the wage gap grows wider as women age and move through their careers. This is not only a problem for women, it is a problem for our Nation.

Gender-based wage disparity allows employers to discriminate against women and avoid liability in the courts. Secondly, wage discrimination leads to more women in poverty, increasing the burden of health care costs of welfare programs on the taxpayer.

The Paycheck Fairness Act will strengthen pay equity laws by closing the loopholes that have allowed employers to avoid responsibility for discriminatory pay and help to build economic and retirement security for women.

It is in the best interest of all Americans to ensure that every worker is treated fairly in the workplace. I urge my colleagues to support this bill.

Again, I thank Congresswoman DELAURO for her leadership on this issue.

Mr. McKEON. Mr. Speaker, I continue to reserve.

Mr. ANDREWS. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New Jersey, a member of the committee who has worked very diligently on this issue, Mr. HOLT.

Mr. HOLT. I thank the gentleman.

Mr. Speaker, I rise in support of the Paycheck Fairness Act. Equal pay for equal work must not be just a saying, it must be the law.

Last year I had the honor of joining the Chair of our committee and others in unveiling the portrait of the former New Jersey Representative Mary Norton, who was Chair of the Labor Committee seven decades ago and a tireless advocate then for equal pay.

Under her leadership, Congress passed the 1938 Fair Labor Standards Act that established the 40-hour work week, it outlawed child labor and established a minimum wage of 25 cents an hour. The criticisms we hear today

were the same then. The Federal Government shouldn't be involved, the critics said.

I think of Mary Norton today when I say that while we have made significant progress since the Equal Pay Act of 1963, the fight for equality in the workplace is far from over. According to the Census Bureau, women still earn 78 percent of men.

Mary Norton understood that the wage gap was not just a women's issue, it is a family issue. Nowadays, men understand that too. When women earn less for equal work, families are forced to make do with less.

I urge my colleagues to pass the Paycheck Fairness Act.

Mr. ANDREWS. Mr. Speaker, I am very pleased to yield 1 minute to the gentlelady who really makes the trains run on time around here, the Chair of the Rules Committee, Ms. SLAUGHTER from New Jersey.

Ms. SLAUGHTER. Thank you, Mr. Chairman, I appreciate it very much.

Mr. Speaker, when I graduated from the University of Kentucky with both a bachelor's degree and a master's degree, I believed at that time that it was perfectly fine to discriminate against women. Do you know why we were discriminated against in our wages, even though we had gone to the same classes, we had earned the same degree from the University of Kentucky, but women were told we were worth half as much because we might get married and we might have children. Therefore, there was no point in making any investment whatever in us. I believed that up until the point where I became the mother of three daughters and the grandmother of two young women.

I first got involved in this as at the 1972 Democratic convention. At that time we all wore little buttons that said 59 cents on the dollar. That's what we were paid then 40 years ago. How far have we come? Up from 59 to 77 cents.

I cannot for the life of me believe that anyone would be opposed to this bill, knowing that in almost every American family both parents work to try to make ends meet. Why should one of them be cheated? Isn't that a cheat on the family?

My anger knows no bounds. I am so grateful this is up today. Forty years is long enough to wait.

Mr. ANDREWS. Mr. Speaker, I am now pleased to yield 1 minute to the very hardworking gentlelady from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. Mr. Speaker, I rise today to express my enthusiastic support for H.R. 12, the Paycheck Fairness Act, and I thank Chairman MILLER of the Education and Labor Committee and Congresswoman DELAURO, the sponsor of this legislation, for their tireless work and their leadership on this issue.

To paraphrase James Madison, if men and women were angels, no government would be necessary. In an ideal world, we wouldn't need legislation to reinforce a concept of equal pay for equal work.

But even today in 2009, women make an average of only 78 cents for every dollar made by their male counterparts. The importance of the Paycheck Fairness Act is clear. Gender-based wage discrimination has been illegal in this country since the Equal Pay Act of 1963 was signed into law. Yet, the pay disparity between women and men that still persists today highlights the need to take another look at our wage discrimination laws. This disparity, by the way, is estimated to cost a working woman between \$400,000 and \$2 million over a lifetime. I am a proud cosponsor and urge "yes."

Mr. ANDREWS. Mr. Speaker, I am pleased at this time to yield 1 minute to the gentleman from Michigan (Mr. PETERS), one of our new Members who is already delivering justice for the hardworking women of his district.

Mr. PETERS. I would like to thank the gentleman from New Jersey.

Mr. Speaker, I rise today in support of H.R. 12. Decades after the landmark Equal Pay Act and the Civil Rights Act, women in my home State of Michigan still earn an intolerable 70 cents for every dollar earned by a man.

This discrimination must end. Pay equity is not just a women's issue, it is an economic issue. More than ever, working families are relying on two incomes. When a mother is denied fair pay, she is denied the ability to provide for her family, her husband, her children, and the entire family suffers.

□ 1215

My two daughters, Madeleine and Alana, will enter the workforce some day. If I learned that an employer was paying my daughters less than what they deserve, simply because they were female, I would be outraged. And right now our Nation's daughters, our Nation's sisters, our Nation's mothers, are being denied fair treatment and I am outraged, and we all should be as well. This bill creates commonsense measures to ensure fair treatment for women, and I urge its passage here today.

Mr. MCKEON. Mr. Speaker, I reserve my time.

Mr. ANDREWS. Mr. Speaker, I am pleased to yield 1 minute to a very strong voice for workers' rights in this country, the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. In 1968, I believe it is, Congress passed a Civil Rights Act, and we saw still that there had been over a period of 40 years racial discrimination in America. In 1963, Congress passed the Equal Pay Act, and yet we know there was wage discrimination over a period of more than 40 years affecting women.

This Paycheck Fairness Act is an important step in eliminating the gap that exists between the compensation of men and women. It is a travesty that in 2009 we even have to address this issue, but the fact of the matter is, the unfortunate reality is that a compensation gap has existed for decades

and persists to this day. Women receive less compensation than their male counterparts do for the same work.

This bill is going to close the legal loopholes that employers have exploited to avoid compensation discrimination lawsuits. It will treat gender discrimination on par with other types of discrimination.

We are about to have an economic stimulus package. We have to make sure that women are able to fully participate in the gains that we hope to see in this economy.

Thank you, ROSA DELAURO, for standing up for economic justice.

Mr. ANDREWS. Mr. Speaker, may I inquire as to how much time each side has remaining.

The SPEAKER pro tempore (Mr. HOLDEN). The gentleman from New Jersey has 10 minutes remaining. The gentleman from California has 22 minutes remaining.

Mr. ANDREWS. Mr. Speaker, at this time I am pleased to yield 1 minute to the gentlewoman from Ohio (Ms. SUTTON), a distinguished employment lawyer before she came to this body.

Ms. SUTTON. Mr. Speaker, I thank the gentleman for the time and for his leadership, and I thank the distinguished Chair of the Education and Labor Committee, Mr. MILLER, for his leadership, and, of course, the gentlewoman from Connecticut, Ms. DELAURO, for her unyielding advocacy on this legislation.

Mr. Speaker, I rise in strong support of this bill. Last November, people across this country voted for change, and with passage of this legislation we will finally change the wage gap that has persisted between men and women.

We know the statistics: 77 cents on the dollar that women earn as opposed to men. But this is about more than statistics. It is about people. It is about women and it is about their families, and it is about fairness. With every paycheck of these affected women, they are cheated and their families are cheated. It robs families of earned income, it robs their pensions, it robs their Social Security benefits, and it robs them of fairness and justice.

We are a country that values fairness and justice for all of our citizens, not just those of a certain gender. Let's pass this bill.

Mr. ANDREWS. Mr. Speaker, I yield 1 minute to a strong and compassionate voice for working women all over this country, the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise in strong support of H.R. 12, the Paycheck Fairness Act. I want to commend our colleague ROSA DELAURO for her stellar work on this legislation and thank our leadership for making sure that this bill is one of the first we are considering in our new Congress. I am thrilled, and I know it is a testament to our commitment to equality for all.

H.R. 12 closes existing loopholes that otherwise prevent employees from recouping deserved wages. Existing law

allows employers to use a myriad of excuses to justify a pay disparity between men and women. This is true even if the excuse has nothing to do with the job itself. Furthermore, women cannot always safely discuss salaries with their coworkers to determine if there is discrimination occurring for fear of retaliation from their employers. The Paycheck Fairness Act will ensure that women can safely discuss wages with other workers and modernize the law so that companies must show more proof that pay disparities did not occur because of gender.

I urge my colleagues to vote in favor of this important legislation to ensure a better economic future for all American women.

Mr. ANDREWS. Mr. Speaker, at this time I am pleased to yield 1½ minutes to the very principled and articulate gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS of Texas. Mr. Speaker, the Paycheck Fairness Act is about far more than the size of a paycheck. It is about our commitment to the American values of hard work and equality and of opportunity. The story of America is our never-ending march toward the highest ideals of equal opportunity for all our citizens. Today we write a new chapter in that great American story. Today we say to women all across our land that if you work hard and play by the rules, you will be rewarded fairly. You will reap what you sow.

Fulfilling the promise of equal opportunity for American women will lift millions of our families and our children out of poverty. That is not just progress for their families; it is real progress for the American family. Some will say this step forward is inconvenient. I say that knocking down barriers to equality of opportunity has never been the convenient thing to do, but it has always been the right thing to do.

Mr. Speaker, my wife and I try to teach our two young sons every day that if they work hard, they will do well in life, that their work will be rewarded fairly. I am supporting this bill because I want the parents of every little girl in America to be able to teach that value, to make that promise to their daughters. It is the American promise.

Mr. ANDREWS. Mr. Speaker, I am pleased to yield at this time 1 minute to a life-long fighter against discrimination, the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Speaker, every day, despite the Equal Pay Act of 1963, millions of American women are denied equal pay for performing comparable work. In the case of Lilly Ledbetter, the Supreme Court of the United States compounded the indignity of discrimination by ignoring years of Equal Employment Opportunity Commission and lower court decisions, narrowly interpreting the law that should have protected her, thus denying her the justice she deserved.

Justice has not been achieved over the past 45 years, with women's wages rising from 59 cents for every dollar earned by a man in 1963 to just 77 cents per dollar earned by a man in 2008. Minority women face even greater disparity, a gap that widened even more last year. These women are from all walks of life. They calculate our taxes. They teach our children. In California's District 15, my home district, they are developing the technologies of the future. Our sisters, daughters, and granddaughters deserve better from our country. We should have told them that they can do anything, reach for and achieve any dream.

I urge my colleagues to support this. Mr. MCKEON. I reserve my time.

Mr. ANDREWS. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE), who speaks with great authority for constituents and her beliefs.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank my distinguished friend from New Jersey, and I want to take my time to salute our distinguished chairman, Chairman MILLER, and ROSA DELAURO for bringing to the forefront in this crisis of unemployment, 500,000 unemployed, to recognize and to acknowledge to America we believe in fair employment.

Lilly Ledbetter, we have heard you and we salute you. You lost \$200,000 in back wages because of a Supreme Court decision. Now today with the Lilly Ledbetter Fair Pay Act we know that it will clarify that each paycheck that is discriminatory, that is less than it should be, will constitute a discriminatory practice and you will fall within the 180 day statute of limitations.

The Paycheck Fairness Act, which we are standing on the floor today to defend and support, will create meaningful penalties against employers whose pay practices are proven to have been discriminatory, and it will protect workers from retaliation by their employers when employees discuss their pay with coworkers.

In America we are a country that believes in work and provides that opportunity for women. These are two bills that we support. What a great day in America, when Democrats can stand up for working Americans and the women of America.

I would like to thank Congresswoman DELAURO for this important legislation as well as the Chairman and Ranking Minority Member of the Committee on Education and Labor for working together to see that gender equity is not just something we talk about, but something we are actually willing to put into action.

This legislation is intended to combat the wage gap that still exists today between men and women in the workplace. It is an important step in addressing the persistent wage gap between women and men by updating the Equal Pay Act—passed more than 45 years ago.

The reality is the Equal Pay Act needs to be strengthened and improved for all women to

combat wage discrimination and eliminate loopholes in the current law. The Paycheck Fairness Act creates meaningful penalties against employers whose pay practices are proven to have been discriminatory. The bill will also protect workers from retaliation by their employers when employees discuss their pay with coworkers.

Early last year the House passed H.R. 2831, legislation reversing last year's Supreme Court decision in Ledbetter v. Goodyear Tire and Rubber Co., in which the court ruled, 5–4, that workers filing suit for pay discrimination must do so within 180 days of the actual decision to discriminate against them.

The Paycheck Protection Act is also needed to stop discriminatory pay practices by employers against our mothers, wives, daughters, and granddaughters that do the same job as their male counterparts.

The Paycheck Fairness Act, will strengthen the Equal Pay Act—passed more than 45 years ago—and as a result improve the law's effectiveness, and help to address the persistent wage gap between men and women. The Paycheck Fairness Act would:

Clarify acceptable reasons for differences in pay by requiring employers to demonstrate that wage gaps between men and women doing the same work are truly a result of factors other than sex.

Deter wage discrimination by strengthening penalties for equal pay violations, and by prohibiting retaliation against workers who inquire about employers' wage practices or disclose their own wages. The bill's measured approach would ensure that women can obtain the same remedies as those subject to discrimination on the basis of race or national origin. AAUW would strongly oppose any efforts to add such caps.

Provide women with a fair option to proceed in a class action suit under the Equal Pay Act, and allow women to receive punitive and compensatory damages for pay discrimination.

Clarify the establishment provision under the Equal Pay Act, which would allow for reasonable comparisons between employees to determine fair wages.

Authorize additional training for Equal Employment Opportunity Commission staff to better identify and handle wage disputes.

It will aid in the efficient and effective enforcement of federal anti-pay discrimination laws by requiring the EEOC to develop regulations directing employers to collect wage data, reported by the race, sex, and national origin of employees.

It will require the U.S. Department of Labor to reinstate activities that promote equal pay, such as: directing educational programs, providing technical assistance to employers, recognizing businesses that address the wage gap, collecting wage-related data, at conducting and promoting research about pay disparities between men and women.

More importantly for our young ladies going into the workforce it will establish a competitive grant program to develop salary negotiation training for women and girls.

As a Member of the Women's Caucus I have been fighting for pay equity for American women since before I arrived here as a Representative in 1995, and I believe that equal pay for equal work is a simple matter of justice. Wage disparities are not simply a result of women's education levels or life choices.

In fact, the pay gap between college educated men and women appears first after college—even when women are working full-time



in the same fields with the same major as men—and continues to widen during the first 10 years in the workforce.

Further, this persistent wage gap not only impacts the economic security of women and their families today, it also directly affects women's retirement security tomorrow. Now is the time for additional proactive measures to effectively address wage discrimination and eliminate loopholes that have hindered the Equal Pay Act's effectiveness.

I urge my colleagues, both men and women to support equality in rights and pay for all Americans by supporting the Paycheck Fairness Act.

Mr. ANDREWS. Mr. Speaker, may I inquire as to the remaining time left on each side.

The SPEAKER pro tempore. The gentleman from New Jersey has 4½ minutes remaining, and the gentleman from California has 22 minutes remaining.

Mr. ANDREWS. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from New York City (Mrs. MALONEY), a strong advocate of women's rights.

Mrs. MALONEY. This is an important day for America's working women, and it shows what a Democratic Congress can mean to their lives because it will help end pay discrimination against women. Women are on the front lines of the economic meltdown. When a full time working woman still earns only 78 cents for every dollar men make, the results can be devastating in their lives.

The Paycheck Fairness Act could also be called the Free Speech Restoration Act, because it allows an employee to simply tell other employees critical information about themselves. It allows them to tell others what they are being paid and not be fired. Many of our corporations in America literally have a law that if you tell anyone what you make, you will be fired. Well, Lilly Ledbetter did not find out until someone gave her a secret note 18 years after she had been discriminated against in pay.

This is a critical bill. It helps end pay discrimination against women. Thank you to the Democratic leadership.

Mr. ANDREWS. I am pleased to yield 1 minute to a very effective and knowledgeable member of our committee, the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I want to thank Congresswoman DELAURO and Chairman MILLER for their hard work on the Lilly Ledbetter Fair Pay Act and the Paycheck Fairness Act.

In my work on the Armed Services Committee, I have had the honor and privilege of working with many of our female servicemembers in the armed services. And although work still needs to be done in other areas, I am proud of the fact that our female servicemembers receive exactly the same pay as their male counterparts for doing the same work. In many ways, the military is a model of equal pay for equal work.

We would never allow our female servicemembers to be paid differently for serving our country. Why then would we allow women in the civilian sector to get paid 78 percent of what their male coworkers are paid?

I urge the passage of this these two bills.

Mr. ANDREWS. Mr. Speaker, I am pleased to yield 1 minute to a wise and strong voice for the rights of our country, the gentleman from Chicago (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman from New Jersey for yielding.

I rise in strong support of both these bills, H.R. 11 and H.R. 12. I think it is an excellent way to start the new session of Congress, to start the new year. I want to commend Chairman MILL AND REPRESENTATIVE DELAURO for their strong leadership on these issues for the last several years.

I know that we ought to begin by saying that everybody has equal rights, equal opportunity, and equal pay. I thank the gentleman again.

Mr. ANDREWS. Mr. Speaker, I would like to yield 30 seconds to the gentleman from Tennessee (Mr. COHEN), a strong advocate for his constituents.

Mr. COHEN. I thank the gentleman.

I want to first thank Congresswoman DELAURO for her long work on this. It is hard for me to believe that it is 2009 and this issue is still before us. It is a great day in this United States Congress, Mr. Speaker, that we will do fairness and equity for women here in this House. Hopefully the Senate will do the same.

The Supreme Court in Lilly Ledbetter did itself just as much disservice as it did in Bush v. Gore. The Supreme Court needed to be reversed. We will do it with this legislation and will provide remedies for women in the future for inequities in workplace pay.

Mr. McKEON. Mr. Speaker, it is my understanding that I will close and you will close. We have no more speakers.

Mr. ANDREWS. Mr. Speaker, that is correct. The only remaining speaker is our chairman.

Mr. McKEON. Mr. Speaker, I yield myself the balance of my time.

"The Paycheck Fairness Act." It has a nice ring to it. Who doesn't support paycheck fairness? Who doesn't support equal pay for equal work?

□ 1230

I have three beautiful and talented daughters, and I have 13 beautiful and talented granddaughters. I won't mention that I have three handsome, talented sons and 16 handsome, talented grandsons.

If this would do for women what all of these speeches have said it would do, I would be the strongest advocate for it because of my daughters and my granddaughters and hopefully, some day, great granddaughters.

Unfortunately, that is not what this bill is offering. No, Mr. Speaker, if this bill becomes law, it will make the sys-

tem fundamentally unfair, except for trial lawyers. Now, if one of my granddaughters becomes a trial lawyer it would help her, and I guess that's a good thing to support.

But the bill will expose family businesses to unlimited liability, threatening jobs, and retirement security at a time when both are on shaky ground. The Democrats' meager efforts to blunt the potential harm do not change the fact that trial lawyers stand to receive a big payday because this bill lowers the bar on costly jury awards.

H.R. 12 will encourage class action lawsuits, treating the EPA as a litigation factory. It will make it harder for businesses to defend against legal challenges, inviting unscrupulous trial lawyers to pursue baseless claims.

Now we know what the bill would do. But what about what it fails to do? It doesn't prohibit discrimination under the law. We did that 46 years ago. It doesn't offer working women new flexibility so they can balance work and home, as Republicans have fought for. It certainly doesn't do anything to stimulate the economy, which is the number one issue, what many working families are struggling with today, working mothers are struggling with.

Mr. Speaker, this is a bad bill, and I strongly urge my colleagues to oppose it.

I yield back the balance of my time.

Mr. ANDREWS. Mr. Speaker, I yield myself the balance of our time.

I want to thank my friend and colleague, ROSA DELAURO, for her hard work on this. And this is the bill that is for the women who are office managers who are being underpaid for the men who are being called executive vice presidents. This is the bill for the women who do the work, make the decisions, shoulder the responsibility but don't get the pay. Now, that's been illegal for 46 years, but that remedy has been wholly ineffective until this bill came along. You couldn't get represented by a lawyer, under the present law, because your damages couldn't be enough because of the cap that were put on damages.

We live in a world where women do the work, take the responsibility, shoulder the burden, but do not get the compensation. This makes the promise of the Equal Pay Act a reality for working women around this country.

I'm proud that in the 19 years she's served in this body, the author of this bill has fought for this bill; and I say to her, to you, Mr. Speaker, and Americans all over this country, it will become law because of what we're about to do here today.

Mr. DINGELL. Mr. Speaker, I rise today in strong support of the Paycheck Fairness Act. I am a longtime strong supporter of this legislation, which strengthens the Equal Pay Act of 1963 and closes the loopholes that have allowed employers to avoid responsibility for discriminatory pay.

As a husband, father, and grandfather, I am appalled that in this day and age women are still fighting for an equal paycheck. We know

that on average women earn 78 cents for every dollar earned by a man. This pay discrimination has cost women thousands of dollars in lost wages over their lifetime, which results in many women not only living paycheck-to-paycheck, but also neglecting to properly save for their retirement.

The pay gap is too often seen as a “women’s issue.” In fact, this is not a women’s issue, it is a family issue. The simple fact of the matter is that it often takes two incomes to make it in this country. This is especially true during an economic downturn like we face today. When women are not paid fairly, our families suffer.

I am proud to be here today voting in favor of the Paycheck Fairness Act and sincerely hope this critically important legislation is signed into law this year.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in strong support of the Paycheck Fairness Act and commend the House leadership for making this legislation among the first orders of business in this new Congress.

Forty-six years ago, Congress passed the Equal Pay Act to end wage discrimination against women who on average earned only 60 cents to every dollar earned by men.

Since then, women have made extraordinary achievements. Glass ceilings continue to be broken in the public and private sector; we now serve under the first female Speaker of the House, and the number of women heading Fortune 500 companies continues to expand.

I believe that these achievements have contributed to an illusion that women have reached full equality in the workplace.

The sad reality is, however, that in spite of these achievements and the passage of the Equal Pay Act, today women still earn only an estimated 78 cents to every dollar earned by their male counterparts, for equal work.

This unfairness often has devastating economic consequences on women, especially upon retirement, as pension and Social Security benefits are based on life earnings.

Wage discrimination can cost a woman anywhere from \$400,000 to \$2 million in lifetime earnings, contributing to the disturbing fact that today women make up 70 percent of older adults living in poverty.

I urge my colleagues to begin the process of ending wage discrimination in our Nation’s workplaces once and for all by voting yes on the Paycheck Fairness Act. We need to act today to strengthen the Equal Pay Act and ensure that women in the workforce have the means to protect their economic security.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in strong support of the Paycheck Fairness Act, H.R. 12, which continues this House’s efforts to ensure fair and equal pay for the women of our workforce.

Over four decades ago, Congress passed the Equal Pay Act with the goal of eliminating gender-based wage discrimination and once and for all closing the wage gap between men and women. Unfortunately, loopholes and deficiencies found within the legislative text allowed the wage gap to persist. As a result, women currently make on average only 77 cents for every dollar earned by a male and in my great State of Connecticut, matters are not much better with women making only 82 cents on the dollar.

The Paycheck Fairness Act, of which I am a proud cosponsor, provides a logical and ef-

fective means to eliminate gender-based wage discrimination. By strengthening the Equal Pay Act and eliminating loopholes that have for too long been exploited by some employers, this legislation will offer greater protection to women in the workforce, while also substantially increasing penalties on those disreputable employers who continue to disregard our Nation’s laws.

Mr. Speaker, during this time of economic uncertainty it is more important than ever that all Americans earn equal pay for equal work. I would like to thank both Chairman GEORGE MILLER and Congresswoman ROSA DELAURIO for their collective efforts on this important issue and urge all my colleagues to stand up for women workers and vote in favor of this legislation.

Mr. CONYERS. Mr. Speaker, I rise today in support of H.R. 12, “The Paycheck Fairness Act.” I am hopeful that the momentum created with the passage of the Act this past July will propel this important legislation through the Senate and on to our new President’s desk as one of the first laws enacted by the 111th Congress. In doing so, our Nation takes the final steps in its long journey towards ensuring that men and women receive equal pay for equal work.

The Congress first committed itself to remedying the scourge of pay discrimination in 1963, when it passed the Equal Pay Act. At that time, full-time working women were paid on average 59 cents on the dollar earned by their male counterparts. In the ensuing 43 years, the wage gap between men and women has narrowed. In 2009, women earn about 77 percent of what men earn. While this is a dramatic improvement, the 23 cent gap that exists still exemplifies that gender discrimination is a real and contemporary problem in our labor market.

H.R. 12 would attack this problem in a comprehensive manner. It builds on many of the innovative policies found in the original EPA and adds provisions specifically crafted to address the realities of 21st century offices.

H.R. 12 will strengthen the EPA by making it unlawful for an employer to pay unequal wages to men and women who have substantially similar jobs that are performed under similar working conditions within the same physical location of business. Under the original EPA, employers can justify unequal pay if it is based on: seniority; merit; quality or quantity of production; or “any factor other than sex.” This legislation clarifies the ‘any factor other than sex’ defense, so that an employer trying to justify paying a man more than a woman for the same job must show that the disparity is not sex-based, is job-related, and necessary for the business.

The bill will also prohibit employers from retaliating against employees who discuss or disclose salary information with their coworkers. However, employees such as human resources personnel who have access to payroll information as part of their job would not be protected if they disclose the salaries of other workers.

The bill also adds teeth and accountability by strengthening the remedies available to include punitive and compensatory damages. Under the EPA currently, plaintiffs can only recover back pay and in some cases double back pay. The damages would not be capped.

Mr. Speaker, the time has come for this body to enshrine “equal pay for equal work”

as the law of the land. I encourage my colleagues to support the bill.

Ms. MCCOLLUM. Mr. Speaker, I rise today in strong support of the Paycheck Fairness Act, H.R. 12, which addresses gender-based wage discrimination. This is a historic day in the fight for equal rights for women, and I would like to thank Speaker NANCY PELOSI and House leaders for making pay equity for women among the first votes in the 111th Congress.

Families are struggling with the current economic crisis, making it more important than ever that women, who are often the head of the household and make up nearly half the workforce, are compensated fairly and equitably. Leading the legislative session with measures to reverse gender-based wage bias is a clear signal of the level of commitment American families can expect from this Congress.

The disastrous economic policies of the Bush administration failed to address major workforce equity issues over the last 8 years. It is unacceptable that on average, women only make 78 cents for every dollar earned by a man, according to the U.S. Census Bureau. That could mean a difference of \$400,000 to \$2 million over a lifetime in lost wages. Furthermore, the wage disparity grows wider as women age and threatens their economic security, retirement, and quality of life. The new Congress and the incoming Administration must act quickly to protect America’s workers from wage discrimination.

The Paycheck Fairness Act seeks to level the playing field between men and women. This bill will strengthen the Equal Pay Act of 1963 and close the loopholes that have allowed employers to avoid responsibility for discriminatory pay. The bill will give women the same access to recover back pay and damages as victims of other types of pay discrimination. Furthermore, it protects employees who discuss pay information from retaliation by their employers and does not allow courts to accept poor excuses for unfair pay practices.

There is no question that our top priority is to get Americans and our economy working again. The Paycheck Fairness Act recognizes that equal pay is not only an issue of fairness for women, but also one of fairness for working families. In these tough economic times, this bill could make all the difference for working families to make ends meet in their everyday lives. Through these efforts we can help give families the resources they need to give their children a better future. Pay equity should not be a benefit that needs to be bargained for, it is a promise that the government must ensure.

I urge my colleagues to support this bill to ensure economic security for women, their families, and our communities. Through this legislation we can ensure a better future for our daughters, granddaughters, and generations to come.

Mr. LANGEVIN. Mr. Speaker, I rise in strong support of H.R. 12, the Paycheck Fairness Act. As an original cosponsor of this bill, as well as a cosponsor in previous Congressional sessions, I am pleased to see this legislation on the House floor today.

H.R. 12 would narrow the wage gap between men and women and strengthen the Equal Pay Act, which makes it unlawful for an employer to pay unequal wages to men and

women that have similar jobs within the same establishment. The Paycheck Fairness Act would allow women to sue for punitive damages, as well as compensatory damages. Currently, women who seek compensation for unequal pay can only recover back pay, or in some cases, double back pay. While this bill would increase penalties for employers who pay different wages to men and women for equal work, it also provides incentives such as training programs for employers to eliminate pay disparities and grant programs to help strengthen the negotiation skills of girls and women.

Some may argue that these changes are not necessary, but the numbers speak for themselves. Despite greatly increased commitment to the labor force over the past 45 years, women working full-time make 77 cents for every dollar earned by a man—less than a 20 percent increase since the Equal Pay Act was signed into law in 1963. Even more troublesome, African-American women earn 66 cents to the dollar and Latina women earn 55 cents to the dollar. According to a Census Bureau study, male high school graduates earned \$13,000 more than female high school graduates in 2006. Women with a bachelor's degree employed year-round earned \$53,201, while similarly educated men earned an average of \$76,749. This same study also noted that the pay difference between men and women grows wider as they age.

Mr. Speaker, I urge my colleagues to support this bill to protect women like Lilly Ledbetter from taking their case for equal pay all the way to the Supreme Court, to support single mothers who may worry whether or not they are being treated fairly by their employers while they provide for their children, and to ensure that daughters entering college can reach their full potential when they graduate.

Ms. LEE of California. Mr. Speaker, I rise today in support of H.R. 12, the Paycheck Fairness Act. I want to thank my colleague Congresswoman ROSA DELAURO for introducing it, a champion for women and working families. And I also want to thank President-elect Obama for urging us to pass this important bill.

In 1963, women working full-time made 59 cents on average for every dollar earned by men. For every dollar men earn today, women earn 78 cents. Over the last 45 years the wage gap has narrowed by less than half a cent per year. Clearly, we still have a long way to go.

The wage gap is most severe for women of color. It is absolutely inexcusable that women and especially minority women earn a fraction of what men earn for the same job.

African-American women earn just 63 cents on the dollar and Latina women earn far worse at 52 cents. In my own State of California, Black women earn only 61 percent, and Latina women only 42 percent, of the wages of White men. That is outrageous.

The wage disparity begins at the start of a woman's work life and grows wider as women age. In the long term, this pattern of substantially lower lifetime earnings affects the quality of life for women and their families. It limits their opportunities for promotion, and contributes to decreased savings, pension income, and Social Security benefits. The result is that quite simply, many women are at risk of falling into poverty as they get older.

H.R. 12 takes immediate steps to close the wage gap for all women by amending and

strengthening the Equal Pay Act, EPA, of 1963, so that it will be a more effective tool in combating gender-based pay discrimination.

Mr. DICKS. Mr. Speaker, I rise in support of H.R. 12, the Paycheck Fairness Act. More than 40 years after the passage of the Equal Pay Act and Title VI, women continue to be paid less for performing many of the same jobs as their male counterparts. According to the U.S. Census Bureau, on average, women only make 78 cents for every dollar earned by a man. That could mean a difference of \$400,000 to \$2 million over a lifetime of work. The pay disparity is even larger among African Americans and Latinos; it affects women at all income levels and throughout the range of occupations in American. This gap even widens as women age.

The legislation we are considering today, The Paycheck Fairness Act, is a terribly important initiative, in my judgment, designed to close that pay gap between men and women. The bill strengthens the Equal Pay Act of 1963 by increasing the remedies available to put sex-based pay discrimination on par with race-based pay discrimination. How would we achieve these objectives? Specifically, this legislation, the Paycheck Fairness Act, would:

Require that employers seeking to justify unequal should bear the burden of proving that its actions are job-related and consistent with a business necessity;

Prohibit employers from retaliating against employees who share salary information with their co-workers;

Put gender-based discrimination sanctions on an equal footing with other forms of wage discrimination such as discrimination based on race, disability or age. We would achieve this by allowing women to sue for compensatory and punitive damages;

Require the Department of Labor to enhance outreach and training efforts to work with employers in order to eliminate pay disparities;

Require the Department of Labor to continue to collect and disseminate wage information based on gender; and, finally,

Create a new grant program to help strengthen the negotiation skills of girls and women.

Mr. Speaker, at the outset of the 111th Session of Congress, I believe passage of this legislation sends a necessary and most appropriate message to employers across this nation that the work done by women is every bit as important and valuable as the labor of working men in America, and that we are resolving through this bill to end the overt as well as the subtle discrimination that still exists against women in the American workplace.

I strongly support this legislation, and I urge my colleagues to vote in favor of its passage.

Ms. ESHOO. Mr. Speaker, I rise today to express my strong support for H.R. 12, the Paycheck Fairness Act. I salute the extraordinary work of Chairman MILLER and Congresswoman DELAURO to bring these important bills to the floor today.

Today we are considering the Paycheck Fairness Act to protect people like Lilly Ledbetter from pay discrimination.

Under current law, if an employer can name any factor that has determined an employee's pay other than gender, they can justify unequal pay and discriminate against female employees. The employer's reason does not have to be related to the job in question.

Under H.R. 12 employers will have to give a satisfactory explanation for paying a man more than a woman for the same job and they will have to demonstrate that the disparity is not sex-based, but job-related.

Employers will also now be barred from punishing employees who discuss or disclose salary information to their co-workers.

The Paycheck Fairness Act will also put gender-based discrimination on the same level as other forms of wage discrimination by giving women the opportunity to sue for compensatory and punitive damages. Under current law women who have been discriminated against may only recover back pay, or in some cases double back pay.

The wage gap between men and women has narrowed since the passage of the landmark Equal Pay Act in 1963, but according to the U.S. Census Bureau, women still only make 77 cents for every dollar earned by a man. It's time to close the gap and pass this law.

H.R. 12 is a necessary tool to ensure that civil rights for all Americans are honored in the workplace. For our country and our economy to recover we will rely on every hardworking American and we cannot tolerate discrimination against anyone.

I'm very proud to support this bill and I urge a "yes" vote on the underlying legislation.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, in 1963, President Kennedy signed the Equal Pay Act in order to address the nation's wage gap. And yet, 46 years later women still make on average only 77 cents for every dollar earned by men for the same work.

But thanks to Lilly Ledbetter, we are going to right that wrong today on the House floor.

In 2007, I had the opportunity to meet Lilly. She told me how she had no proof of pay discrimination until someone anonymously slipped payroll records into her mailbox. Anonymously because Goodyear's payroll records were secret.

This bill lifts the cloak of secrecy that allows these kinds of unfair pay practices to fester—which is exactly why the House proudly passed this bill last Congress.

I urge my colleagues today to once again support fair pay practices, and see that this important legislation becomes law. What you don't know, can hurt you.

I thank Chairman MILLER and Representative DELAURO for their leadership on this issue.

The Paycheck Fairness Act is a bold step forward in righting the wrong of pay discrimination.

Mr. STARK. Mr. Speaker, I rise in strong support of the Paycheck Fairness Act.

The Equal Pay Act of 1963 was a landmark piece of legislation. Along with other civil rights laws, it has helped to cut the gender-based wage gap in America nearly in half. But women are still paid less than 78 cents for every dollar a man is paid. African American and Latin American women face even greater income disparities. For the last seven years—after four decades of steady progress toward equality—the wage gap has remained stagnant.

The Paycheck Fairness Act will give workers the tools they need to get back on track to equality in the workplace. It modernizes the Equal Pay Act, bringing it in line with other civil rights laws by updating rules for class-action suits and permitting punitive damages. Further, it closes a major loophole relating to

affirmative defenses, requiring employers to substantiate the rationale for pay disparities if they claim they aren't based on gender. If enacted, the Paycheck Fairness Act will also strengthen the Equal Employment Opportunity Commission's ability to detect illegal salary practices.

It's far past time to stand up for fair pay for women. I'm proud to cosponsor this important legislation, and I urge my colleagues to join me in voting for it.

Ms. HIRONO. Mr. Speaker, I rise in strong support of H.R. 12, the Paycheck Fairness Act of 2009. As a member of the Education and Labor Committee and an original cosponsor, I am glad to have the opportunity to speak in support of this important bill today.

While women have made tremendous strides in the workplace since the passage of the Equal Pay Act 43 years ago, their earnings have not kept pace with that of their male coworkers. In the United States, the average full-time working woman earns just 77 cents to every dollar earned by her male colleagues. This discrepancy in earnings throughout a woman's career may cost her hundreds of thousands, if not millions of dollars in lost income and retirement savings.

I urge my colleagues to protect the rights of women against pay discrimination and ensure that women are treated fairly in the workplace. Please support equal pay for equal work and vote yes on the Paycheck Fairness Act.

Mr. TIAHRT. Mr. Speaker, today we debate a bill with a good title that fails to make one single step toward the purported goal. H.R. 12, the Paycheck Fairness Act, is being advanced as a bill to protect women from wage discrimination, but this bill is really about increasing lawsuits, not protecting women.

I join my colleagues in rejecting wage discrimination. The American Dream is not possible without wage fairness. This debate, however, is not about wage fairness; it is about this Democrat majority rewarding one of their most loyal special interest groups—trail lawyers.

For more than 40 years, the 1963 Equal Pay Act and Title VII of the 1964 Civil Rights Act have made it illegal for employers to determine an employee's pay-scale based on his or her gender. I wholeheartedly agree with and support these laws. Every American should be able to work hard, and make a living for his or her family. We cannot tolerate gender discrimination in the workplace.

Instead of strengthening these laws, H.R. 12 offers no additional protection from discrimination. It simply expands opportunities for trail lawyers to cash-in under existing non-discrimination laws. By opening discrimination claims to unlimited compensatory and punitive damages, H.R. 12 will give great incentives to trial lawyers to bring frivolous claims. Such claims will inevitably lead to higher costs to businesses at a time when so many are struggling to remain open. High business costs often lead to job cuts. In this time of economic downturn, it is wrong to increase the burden on employers and risk additional job losses for the benefit of wealthy trial lawyers.

Mr. Speaker, strong nondiscrimination laws are critical to the future of our nation; however, H.R. 12 has nothing to do with paycheck discrimination. Now is the time to find solutions to the challenges facing our economy, not endanger our businesses with frivolous lawsuits. I ask my colleagues to join me in opposing this bill.

Mr. HOLT. Mr. Speaker, I rise in support of H.R. 12 the Paycheck Fairness Act of 2009.

Since the passage of the Equal Pay Act in 1963, the wage gap in the United States between men and women has narrowed significantly, however, on average, women still earn 78 cents for every dollar earned by a man, according to the U.S. Census Bureau. When women earn less for equal work, families are forced to do more with less. Affording all of life's expenses is challenging enough—it shouldn't be made harder as a result of women being shortchanged on payday.

Under current law, victims of gender-based wage discrimination recover less in damages than victims of discrimination based on their race or ethnicity. All forms of discrimination, whether they are based on gender, race, or ethnicity are equally repugnant, and the Paycheck Fairness Act ensures that the law views all forms of discrimination in the workplace on the same level.

In addition, the Paycheck Fairness Act would protect employees who discuss salary information punished in the workplace. Often times, wage discrimination is difficult to determine because salary levels are confidential. This bill would prevent employers from retaliating against employees who discuss openly, the most common way pay discrimination is uncovered.

Finally, this bill would hold employers accountable by mandating that employers demonstrate to the court that pay disparity between employees is not gender-based, is job-related and is consistent with the needs of the business.

As the country faces a challenging economic forecast, Congress must look after the best interests of working families. The Paycheck Fairness Act will make a difference for working families across the country, and I ask my colleagues to join me in supporting this bill.

Mr. ANDREWS. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to section 5(b) of House Resolution 5, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

#### MOTION TO RECOMMIT

Mr. PRICE of Georgia. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. PRICE of Georgia. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Price of Georgia moves to recommit the bill, H.R. 12, to the Committee on Education and Labor with instructions to report the bill back to the House forthwith the following amendments:

Page 10, line 17: strike "and" and after such line insert the following:

(B) by inserting "in an amount not to exceed \$2,000 per hour" after "reasonable attorney's fee"; and

Page 10, line 18, strike "(B)" and insert "(C)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Georgia is recognized for 5 minutes in support of his motion.

Mr. PRICE of Georgia. Mr. Speaker, it's a new Congress and, yes, it's a new day. But what we're debating isn't that new. It's, in fact, a recycled campaign promise to a favored special interest, and a sad reminder of the path this majority continues to take this country.

As most folks already know, equal pay for equal work is the law of the land and it has been since the passage of the Equal Pay Act of 1963. Generally, businesses do a tremendous job paying employees fairly, regardless of gender.

But the bill before the House today treats wage discrimination as if it were systematic. And in the midst of economic challenges, we're failing to address the real challenges affecting Americans' wages and the purchasing power of their paychecks.

If this measure becomes law, power will be turned over to bureaucrats and trial lawyers to interject, distort and oversee how wages are determined through lawsuits and through regulations.

It means less incentive, Mr. Speaker, less incentive for employers to offer a variety of working situations like flex time or more limited travel, because doing so may put an employer at risk of being sued; hardly a wise action on their part.

In turn, current and prospective workers will suffer through lower wages, slower job creation or simply fewer opportunities to meet individual worker needs.

All of this leads, Mr. Speaker, to this motion to recommit. One of the distinctive changes being made today to the Equal Pay Act is the inclusion of unlimited compensatory and punitive damages in a lawsuit. As Members already know, compensatory damages redress wrongful conduct and punitive damages are to deter future wrongful conduct.

But under the Equal Pay Act, an employee does not need to show discriminatory intent in order to prevail. As some have correctly described this bill, it's a boondoggle for trial lawyers. They'll be able to collect unlimited damages, even, Mr. Speaker, even when a disparity is not intended. This serves no legitimate purpose and turns the Equal Pay Act into a lottery. That's why this motion is a simple, common-sense change that caps reasonable, reasonable attorney's fees at \$2,000 per hour. Now, surely we can agree on that.

By limiting attorney's fees, it is the intent that lawyers would take cases based on actual discrimination and merit and prevent lawsuit abuse. Today's litigation system, unfortunately does little to restrain the filing of lawsuits. It's why lawsuits can result in millions of dollars in lawyers' fees, yet plaintiffs get pennies on the dollar. It's why tort costs consume approximately 2 percent of our Gross Domestic Product, billions of dollars. It's why 10 percent of every dollar spent on health

care is attributed to the cost of liability and defensive medicine, hundreds of billions of dollars.

This cap on attorneys' fees will ensure that victims of discrimination are protected with appropriate incentives. Without a cap, this bill will have a detrimental effect on labor markets. Increasing lawsuits and unlimited damages will discourage hiring and may further segregate employment preferences for one gender in favor of another.

On this side of the aisle Republicans understand that fair-minded business folks want to make an honest living without favoring political friends or bureaucrats impeding job creation or dictating how a business should be run.

Let's adopt this motion to recommit. It's a new Congress and a new day, but let's not make a first act an old, recycled campaign promise to political friends.

I urge adoption of the motion to recommit.

I yield back the balance of my time. Mr. GEORGE MILLER of California. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker and Members of the House, this motion is a little bit unbelievable in the sense that it suggests that we should be setting the attorneys' fees, even though the amount that the gentleman is asking us to set far exceeds what would be ordinary hourly wages fees in these kinds of cases across the Nation. At the same time, it makes no differentiation for geography, complication of cases, number of attorneys necessary in a case or even the number of firms that may be. We don't know if this applies to all of the attorneys in the case with multiple plaintiffs; whether this applies across the firm if multiple attorneys in a firm are on a single case if it's a complicated case and, in many cases, these are very complicated cases because they go in to business practices that are disguised in terms of trying to justify unequal pay in the name of equal pay.

I find it rather interesting that the supporters of this amendment across the aisle all stood up and talked about how they support the idea of equal pay, how they want their daughters and their granddaughters to be treated equally, how they want to make sure that they're treated fairly in the workplace and they really support the concept; they just don't support this bill which would make that the law.

But then what did they decide to do? They decided when those granddaughters aren't treated fairly in the workplace, they will discriminate against them in an ability to have an attorney. They will discriminate against them because they will say that their attorneys' fees are going to be capped according to this law, as opposed to letting the judge and the

Court work out what are reasonable fees in that court case.

Why do they discriminate against them? The gentleman is jumping to his feet. Because there's no cap on the attorneys' fees of the people who discriminated against them, on the employer who made the conscious decision to pay this person less in the workplace, to treat them in a discriminatory fashion, to not recognize their inherent value and the comparability of their skills and their talent. They've decided that those employers can pay \$5,000 an hour, \$25,000 an hour, or \$250,000 and they can hire as many firms as they want, New York firms, Chicago firms, Los Angeles firms. They can do whatever they want. But your daughter, granddaughter, wife, they're limited. They're limited with the kind of legal talent they can get.

How about in a large case in this country today where regional vice presidents, there's 39 of them in the organization, 10 percent of them are women, the men were paid \$41,900. The women were paid \$27,900. The district managers, the men were paid \$23,900. The women were paid \$17,000. You think you ought to have the right to go to court and have a good attorney and have the Court determine what are reasonable fees? You ought to be able to prosecute your case in the face of an employer that may have multiple law firms on permanent retainers to deal with this, as many of these defendants do?

Yes, I think you should, and so do the people of this country and I hope so do the Members of this Congress.

I would like to yield to Mr. ANDREWS, the subcommittee Chair.

Mr. ANDREWS. If the Securities and Exchange Commission filed a civil suit against one of the people accused in the Wall Street wrongdoing, and there was a proposal on this floor that said the SEC can spend as much money as it wants to on its side of the case, but the Wall Street defendants accused of the wrongdoing are capped on how much they can spend on their legal defenses, I think the Members in the minority would say that's unfair. It is. So is this.

To interfere in how much lawyers are paid is a matter the judges should take a look at under this law. It's not something this Congress should interfere with. And it frankly, I believe, is a diversionary tactic to take us away from the real purpose of this law, and that's a woman that is selling real estate or teaching school or sweeping floors should make, penny for penny, dollar for dollar, everything a man makes to do the same job. That is the issue before the House.

Let's defeat this diversionary amendment. Let's pass the underlying bill and bring long-awaited justice to American women.

Mr. GEORGE MILLER of California. I ask my colleagues to reject this amendment, to keep the purpose and the intent and the constitutionality of

the underlying legislation, and that we should now pass, after many, many years of waiting, the Paycheck Fairness Act.

And I ask a "no" vote on this.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. PRICE of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered; passage of H.R. 11; and the motion to suspend on House Resolution 34.

The vote was taken by electronic device, and there were—yeas 178, nays 240, not voting 14, as follows:

[Roll No. 7]

YEAS—178

Aderholt	Forbes	Miller (MI)
Akin	Fortenberry	Minnick
Alexander	Foxx	Mitchell
Austria	Franks (AZ)	Moran (KS)
Bachmann	Frelinghuysen	Murphy, Tim
Bachus	Garrett (NJ)	Myrick
Barrett (SC)	Gerlach	Neugebauer
Bartlett	Gingrey (GA)	Nunes
Barton (TX)	Gohmert	Olson
Biggert	Goodlatte	Paul
Bilbray	Guthrie	Paulsen
Billirakis	Hall (TX)	Pence
Bishop (UT)	Harper	Petri
Blackburn	Hastings (WA)	Pitts
Blunt	Heller	Platts
Boehner	Hensarling	Poe (TX)
Bonner	Herger	Posey
Bono Mack	Hoekstra	Price (GA)
Boozman	Hunter	Putnam
Boustany	Inglis	Radanovich
Brady (TX)	Issa	Rehberg
Bright	Jenkins	Reichert
Broun (GA)	Johnson, Sam	Roe (TN)
Brown-Waite,	Jordan (OH)	Rogers (AL)
Ginny	King (IA)	Rogers (KY)
Buchanan	King (NY)	Rogers (MI)
Burgess	Kingston	Rohrabacher
Burton (IN)	Kirk	Rooney
Buyer	Kline (MN)	Ros-Lehtinen
Calvert	Lamborn	Roskam
Camp	Lance	Royce
Campbell	Latham	Ryan (WI)
Cantor	LaTourette	Scalise
Cao	Latta	Schmidt
Capito	Lee (NY)	Schock
Carney	Lewis (CA)	Sensenbrenner
Carter	Linder	Sessions
Cassidy	LoBiondo	Shimkus
Castle	Lucas	Shuler
Chaffetz	Luetkemeyer	Shuster
Childers	Lummis	Simpson
Coble	Lungren, Daniel	E.
Coffman (CO)	Mack	Smith (NE)
Cole	Manzullo	Smith (NJ)
Conaway	Marchant	Smith (TX)
Crenshaw	Marshall	Souder
Culberson	Matheson	Stearns
Davis (KY)	McCarthy (CA)	Sullivan
Deal (GA)	McCaul	Taylor
Dent	McClintock	Terry
Diaz-Balart, L.	McCotter	Thompson (PA)
Diaz-Balart, M.	McHenry	Thornberry
Dreier	McHugh	Tiberi
Duncan	McKeon	Turner
Ehlers	McMorris	Upton
Emerson	Rodgers	Walden
Fallin	Mica	Wamp
Flake	Miller (FL)	Westmoreland
Fleming		

Whitfield Wittman Young (AK)  
Wilson (SC) Wolf Young (FL)

NAYS—240

Abercrombie Grijalva Nye  
Ackerman Gutierrez Oberstar  
Adler (NJ) Hall (NY) Obey  
Altmire Halvorson Olver  
Andrews Hare Ortiz  
Arcuri Harman Pallone  
Baca Hastings (FL) Pascrell  
Baldwin Heinrich Pastor (AZ)  
Barrow Higgins Payne  
Bean Hill Perlmutter  
Becerra Himes Perriello  
Berkley Hinchey Peters  
Berman Hinojosa Peterson  
Bishop (GA) Hirono Pingree (ME)  
Bishop (NY) Hodes Polis (CO)  
Blumenauer Holden Pomeroy  
Bocchieri Holt Price (NC)  
Boren Honda Rahall  
Boswell Hoyer Rangel  
Boyd Insee Reyes  
Brady (PA) Israel Richardson  
Braley (IA) Jackson (IL) Rodriguez  
Brown, Corrine Jackson-Lee  
Butterfield (TX)  
Capps Johnson (GA)  
Capuano Johnson (IL) Ruppertsberger  
Cardoza Johnson, E. B. Rush  
Carnahan Kanjorski Ryan (OH)  
Carson (IN) Kaptur Salazar  
Castor (FL) Kennedy Sánchez, Linda  
Chandler Kildee T.  
Clarke Kilpatrick (MI) Sanchez, Loretta  
Clay Kilroy Sarbanes  
Clever Kind Schakowsky  
Clyburn Kirkpatrick (AZ) Schauer  
Cohen Kissell Schiff  
Connolly (VA) Klein (FL) Schrader  
Conyers Kosmas Schwartz  
Cooper Kratochiv Scott (GA)  
Costa Kucinich Scott (VA)  
Costello Langevin Serrano  
Courtney Larsen (WA) Sestak  
Crowley Larson (CT) Shea-Porter  
Cuellar Lee (CA) Sherman  
Cummings Levin Sires  
Dahlkemper Lewis (GA) Skelton  
Davis (AL) Lipinski Slaughter  
Davis (CA) Loeb sack Smith (WA)  
Davis (IL) Lofgren, Zoe Space  
Davis (TN) Lowey Speier  
DeFazio Luján Spratt  
DeGette Lynch Stark  
Delahunt Maffei Stupak  
DeLauro Maloney Sutton  
Dicks Markey (CO) Tanner  
Dingell Markey (MA) Tauscher  
Doggett Massa Teague  
Donnelly (IN) Matsui Thompson (CA)  
Doyle McCarthy (NY) Thompson (MS)  
Driehaus McCollum Tierney  
Edwards (MD) McDermott Titus  
Edwards (TX) McGovern Tonko  
Ellison McIntyre Towns  
Ellsworth McMahon Tsongas  
Engel Mc Nerney Van Hollen  
Eshoo Meek (FL) Velázquez  
Etheridge Meeks (NY) Visclosky  
Farr Melancon Walz  
Fattah Michaud Wasserman  
Filner Miller (NC) Schultz  
Foster Miller, George Waters  
Frank (MA) Mollohan Watson  
Fudge Moore (KS) Watt  
Giffords Moore (WI) Waxman  
Gillibrand Moran (VA) Weiner  
Gonzalez Murphy (CT) Welch  
Gordon (TN) Murphy, Patrick Wexler  
Grayson Murtha Wilson (OH)  
Green, Al Nadler (NY) Woolsey  
Green, Gene Napolitano Wu  
Griffith Neal (MA) Yarmuth

NOT VOTING—14

Baird Granger Shadegg  
Berry Graves Snyder  
Boucher Herseth Sandlin Solis (CA)  
Brown (SC) Jones Tiahrt  
Gallegly Kagen

□ 1308

Mr. JACKSON of Illinois, Mrs. KIRKPATRICK of Arizona, Mrs. HALVORSON, Messrs. WEXLER, MILLER of North Carolina, LARSON of

Connecticut, SIRES, McDERMOTT, MEEKS of New York, MURPHY of Connecticut, JOHNSON of Illinois, TOWNS, HINOJOSA, Ms. SPEIER, Messrs. FRANK of Massachusetts, CONYERS, and Ms. BEAN changed their vote from “yea” to “nay.”

Messrs. GINGREY of Georgia, TAYLOR, BILIRAKIS, and BURGESS changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LEWIS of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 256, noes 163, not voting 14, as follows:

[Roll No. 8]

AYES—256

Abercrombie Dent  
Ackerman Diaz-Balart, L.  
Adler (NJ) Diaz-Balart, M.  
Altmire Dicks  
Andrews Dingell  
Arcuri Doggett  
Baca Donnelly (IN)  
Baldwin Doyle  
Barrow Driehaus  
Bean Edwards (MD)  
Becerra Edwards (TX)  
Berkley Ellison  
Berman Ellsworth  
Bishop (GA) Engel  
Bishop (NY) Eshoo  
Blumenauer Etheridge  
Bocchieri Farr  
Boren Fattah  
Boswell Filner  
Boyd Foster  
Brady (PA) Frank (MA)  
Braley (IA) Fudge  
Brown, Corrine Gerlach  
Butterfield Giffords  
Cao Gillibrand  
Capps Gonzalez  
Capuano Gordon (TN)  
Cardoza Grayson  
Carnahan Green, Al  
Carney Green, Gene  
Carson (IN) Grijalva  
Castle Gutierrez  
Castor (FL) Hall (NY)  
Chandler Halvorson  
Childers Hare  
Clarke Harman  
Clay Hastings (FL)  
Clever Heinrich  
Clyburn Higgins  
Cohen Hill  
Connolly (VA) Himes  
Conyers Hinchey  
Cooper Hinojosa  
Costa Hirono  
Costello Hodes  
Courtney Holden  
Crowley Holt  
Cuellar Honda  
Cummings Hoyer  
Dahlkemper Inslee  
Davis (AL) Israel  
Davis (CA) Jackson (IL)  
Davis (IL) Jackson-Lee  
Davis (TN) (TX)  
DeFazio Johnson (GA)  
DeGette Johnson (IL)  
Delahunt Johnson, E. B.  
DeLauro Kanjorski

Olver Sánchez, Linda  
Ortiz T.  
Pallone Sanchez, Loretta  
Pascrell Sarbanes  
Pastor (AZ) Schakowsky  
Payne Schauer  
Pelosi Schiff  
Perlmutter Schrader  
Perriello Schwartz  
Peters Scott (GA)  
Peterson Scott (VA)  
Pingree (ME) Serrano  
Polis (CO) Sestak  
Pomeroy Shea-Porter  
Price (NC) Sherman  
Rahall Shuler  
Rangel Sires  
Reichert Skelton  
Reyes Slaughter  
Richardson Smith (NJ)  
Rodríguez Smith (WA)  
Ros-Lehtinen Solis (CA)  
Ross Space  
Rothman (NJ) Speier  
Roybal-Allard Spratt  
Ruppertsberger Stark  
Rush Stupak  
Ryan (OH) Sutton  
Salazar Tanner

NOES—163

Aderholt Frelinghuysen Murphy, Tim  
Akin Garrett (NJ) Myrick  
Alexander Gingrey (GA) Neugebauer  
Austria Gohmert Nunes  
Bachmann Goodlatte Olson  
Bachus Griffith Paul  
Barrett (SC) Guthrie Paulsen  
Bartlett Hall (TX) Pence  
Barton (TX) Harper Petri  
Biggert Hastings (WA) Pitts  
Blibray Heller  
Bilirakis Hensarling Platts  
Bishop (UT) Herger Poe (TX)  
Blackburn Hoekstra Posey  
Blunt Hunter Price (GA)  
Boehner Inglis Putnam  
Bonner Issa Radanovich  
Bono Mack Jenkins Rehberg  
Boozman Johnson, Sam Roe (TN)  
Boustany Jordan (OH) Rogers (AL)  
Brady (TX) King (IA) Rogers (KY)  
Bright King (NY) Rogers (MI)  
Broun (GA) Kingston Rohrabacher  
Brown-Waite, Kirk  
Ginny Kline (MN)  
Buchanan Lamborn Royce  
Burgess Lance Ryan (WI)  
Burton (IN) Latham Scalise  
Buyer LaTourette Schmidt  
Calvert Latta Schock  
Camp Lee (NY) Sensenbrenner  
Campbell Lewis (CA) Sessions  
Cantor Linder Shimkus  
Capito LoBiondo Shuster  
Carter Lucas Simpson  
Cassidy Luetkemeyer Smith (NE)  
Chaffetz Lummis Smith (TX)  
Coble Lungren, Daniel Souder  
Coffman (CO) E.  
Cole Mack Stearns  
Conaway Manzullo Sullivan  
Crenshaw Marchant Terry  
Culberson McCarthy (CA) Thompson (PA)  
Davis (KY) McCaul Thornberry  
Deal (GA) McCintock Tiberi  
Dreier McCotter Turner  
Duncan McHenry Upton  
Ehlers McHugh Walden  
Emerson McKeon Wamp  
Fallin McMorris Westmoreland  
Flake Rodgers Whitfield  
Fleming Mica Wittman  
Forbes Miller (FL) Wolf  
Fortenberry Miller (MI) Wolf  
Foxy Minnick Young (AK)  
Franks (AZ) Moran (KS) Young (FL)

NOT VOTING—14

Baird Granger Nadler (NY)  
Berry Graves Shadegg  
Boucher Herseth Sandlin Snyder  
Brown (SC) Jones Tiahrt  
Gallegly Kagen

□ 1319

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. NADLER of New York. Madam Speaker, on rollcall No. 8, a few minutes ago, I missed the vote. Had I been present, I would have voted "aye."

LILLY LEDBETTER FAIR PAY ACT OF 2009

The SPEAKER pro tempore (Ms. DELAURO). The unfinished business is the vote on passage of H.R. 11, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 247, nays 171, not voting 15, as follows:

[Roll No. 9]

YEAS—247

Abercrombie	Etheridge	Maffei
Ackerman	Farr	Maloney
Adler (NJ)	Fattah	Markey (CO)
Altmire	Filner	Markey (MA)
Andrews	Foster	Marshall
Arcuri	Frank (MA)	Massa
Baca	Fudge	Matheson
Baldwin	Giffords	Matsui
Barrow	Gillibrand	McCarthy (NY)
Bean	Gonzalez	McColum
Becerra	Gordon (TN)	McDermott
Berkley	Grayson	McGovern
Berman	Green, Al	McIntyre
Bishop (GA)	Green, Gene	McMahon
Bishop (NY)	Grijalva	McNerney
Blumenauer	Gutierrez	Meek (FL)
Bocchieri	Hall (NY)	Meeks (NY)
Boswell	Halvorson	Melancon
Brady (PA)	Hare	Michaud
Bralley (IA)	Harman	Miller (NC)
Brown, Corrine	Hastings (FL)	Miller, George
Butterfield	Heinrich	Minnick
Capps	Higgins	Mitchell
Capuano	Hill	Mollohan
Cardoza	Himes	Moore (KS)
Carnahan	Hinchev	Moran (VA)
Carney	Hinojosa	Murphy (CT)
Carson (IN)	Hirono	Murphy, Patrick
Castor (FL)	Hodes	Murtha
Chandler	Holden	Nadler (NY)
Clarke	Holt	Napolitano
Clay	Honda	Neal (MA)
Cleaver	Hoyer	Nye
Clyburn	Insee	Oberstar
Cohen	Israel	Obey
Connolly (VA)	Jackson (IL)	Olver
Conyers	Jackson-Lee	Ortiz
Cooper	(TX)	Pallone
Costa	Johnson (GA)	Pascarell
Costello	Johnson, E. B.	Pastor (AZ)
Courtney	Kanjorski	Payne
Crowley	Kaptur	Pelosi
Cuellar	Kennedy	Perlmutter
Cummings	Kildee	Perriello
Dahlkemper	Kilpatrick (MI)	Peters
Davis (AL)	Kilroy	Peterson
Davis (CA)	Kind	Pingree (ME)
Davis (IL)	Kirkpatrick (AZ)	Polis (CO)
Davis (TN)	Kissell	Pomeroy
DeFazio	Klein (FL)	Price (NC)
DeGette	Kosmas	Rahall
Delahunt	Kratovil	Rangel
DeLauro	Kucinich	Reyes
Dicks	Langevin	Richardson
Dingell	Larsen (WA)	Rodriguez
Doggett	Larson (CT)	Ross
Donnelly (IN)	Lee (CA)	Rothman (NJ)
Doyle	Levin	Roybal-Allard
Driehaus	Lewis (GA)	Ruppersberger
Edwards (MD)	Lipinski	Rush
Edwards (TX)	Loeb sack	Ryan (OH)
Ellison	Lofgren, Zoe	Salazar
Ellsworth	Lowe y	Sanchez, Linda
Engel	Lujan	T.
Eshoo	Lynch	Sanchez, Loretta

Sarbanes	Space
Schakowsky	Speier
Schauer	Spratt
Schiff	Stark
Schrader	Stupak
Schwartz	Sutton
Scott (GA)	Tanner
Scott (VA)	Tauscher
Serrano	Taylor
Sestak	Teague
Shea-Porter	Thompson (CA)
Sherman	Thompson (MS)
Shuler	Tierney
Sires	Titus
Skelton	Tonko
Slaughter	Towns
Smith (NJ)	Tsongas
Smith (WA)	Van Hollen
Solis (CA)	Velazquez

Visclosky	Walz
Wasserman	Schultz
Waters	Watson
Watt	Waxman
Weiner	Welch
Wexler	Whitfield
Wilson (OH)	Woolsey
Wu	Yarmuth
Young (AK)	

NAYS—171

Aderholt	Fleming
Akin	Forbes
Alexander	Fortenberry
Austria	Fox
Bachmann	Franks (AZ)
Barrett (SC)	Frelinghuysen
Bartlett	Garrett (NJ)
Barton (TX)	Gerlach
Biggett	Gingrey (GA)
Bilbray	Gohmert
Bilirakis	Goodlatte
Bishop (UT)	Griffith
Blackburn	Guthrie
Blunt	Hall (TX)
Boehner	Harper
Bonner	Hastings (WA)
Bono Mack	Heller
Boozman	Hensarling
Boren	Herger
Boustany	Hoekstra
Boyd	Hunter
Brady (TX)	Inglis
Bright	Issa
Broun (GA)	Jenkins
Brown-Waite,	Johnson (IL)
Ginny	Johnson, Sam
Buchanan	Jordan (OH)
Burgess	King (IA)
Burton (IN)	King (NY)
Buyer	Kingston
Calvert	Kirk
Camp	Kline (MN)
Campbell	Lamborn
Cantor	Lance
Cao	Latham
Capito	LaTourette
Carter	Latta
Cassidy	Lee (NY)
Castle	Lewis (CA)
Chaffetz	Linder
Childers	LoBiondo
Coble	Lucas
Coffman (CO)	Luetkemeyer
Cole	Lummis
Conaway	Lungren, Daniel
Crenshaw	E.
Culberson	Mack
Davis (KY)	Manzullo
Deal (GA)	Marchant
Dent	McCarthy (CA)
Diaz-Balart, L.	McCaul
Diaz-Balart, M.	McClintock
Dreier	McCotter
Duncan	McHenry
Ehlers	McHugh
Emerson	McKeon
Fallin	McMorris
Flake	Rodgers

NOT VOTING—15

Bachus	Gallely
Baird	Granger
Berry	Graves
Boucher	Hersteth Sandlin
Brown (SC)	Jones
	Kagen
	Moore (WI)
	Shadegg
	Snyder
	Tiaht

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are less than 2 minutes on this vote for Members who have not yet voted.

□ 1328

So the bill was passed.  
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mrs. DAVIS of California). Pursuant to section 5 of House Resolution 5, H.R. 12 is laid on the table.

Stated against:

Mr. BACHUS. Madam Speaker, I missed rollcall vote 9 on passage of the Lilly Ledbetter Fair Pay Act of 2009. Had I been present I would have voted "no."

RECOGNIZING ISRAEL'S RIGHT TO DEFEND ITSELF AGAINST ATTACKS FROM GAZA

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 34, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 34.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 390, nays 5, answered "present" 22, not voting 16, as follows:

[Roll No. 10]

YEAS—390

Ackerman	Camp	Donnelly (IN)
Aderholt	Campbell	Doyle
Adler (NJ)	Cantor	Dreier
Akin	Cao	Driehaus
Alexander	Capito	Duncan
Altmire	Capps	Edwards (TX)
Andrews	Capuano	Ehlers
Arcuri	Cardoza	Ellsworth
Austria	Carnahan	Emerson
Baca	Carney	Engel
Bachmann	Carson (IN)	Eshoo
Bachus	Carter	Etheridge
Baldwin	Cassidy	Fallin
Barrett (SC)	Castle	Fattah
Barrow	Castor (FL)	Filner
Bartlett	Chaffetz	Flake
Barton (TX)	Chandler	Fleming
Bean	Childers	Forbes
Becerra	Clarke	Fortenberry
Berkley	Clay	Foster
Berman	Cleaver	Fox
Biggett	Clyburn	Frank (MA)
Bilbray	Coble	Franks (AZ)
Bilirakis	Coffman (CO)	Frelinghuysen
Bishop (GA)	Cohen	Fudge
Bishop (NY)	Cole	Garrett (NJ)
Bishop (UT)	Conaway	Gerlach
Blackburn	Connolly (VA)	Giffords
Blunt	Conyers	Gillibrand
Bocchieri	Cooper	Gingrey (GA)
Boehner	Costa	Gohmert
Bonner	Costello	Gonzalez
Bono Mack	Courtney	Goodlatte
Boozman	Crenshaw	Gordon (TN)
Boren	Crowley	Grayson
Boswell	Cuellar	Green, Al
Boustany	Culberson	Green, Gene
Boyd	Cummings	Griffith
Brady (PA)	Dahlkemper	Guthrie
Brady (TX)	Davis (AL)	Gutierrez
Bralley (IA)	Davis (CA)	Hall (NY)
Bright	Davis (IL)	Hall (TX)
Broun (GA)	Davis (KY)	Halvorson
Brown, Corrine	Davis (TN)	Hare
Brown-Waite,	Deal (GA)	Harman
Ginny	DeGette	Harper
Buchanan	DeLauro	Hastings (FL)
Burgess	Dent	Hastings (WA)
Burton (IN)	Diaz-Balart, L.	Heinrich
Butterfield	Diaz-Balart, M.	Heller
Buyer	Dicks	Herger
Calvert	Doggett	Higgins