

up in the mountains and get a little bit cooler so we can stay alive when this heat hits us.

But it's not happening in Texas today because, quite frankly, ordinary folks can't afford to load up their pickup, put gasoline in it, and drive the distance it takes to get to the mountains. And they're concerned about it, and they're worried about it. And they want to know if they are having to take the heat, why can't this House stand the heat and stay here until we have resolved this issue of offshore drilling and drilling in other parts of the country.

RENEWABLE ENERGY AND ENERGY EFFICIENCY EXPO AND FORUM

(Mr. COSTA asked and was given permission to address the House for 1 minute.)

Mr. COSTA. Mr. Speaker, what the American people want is for us in a bipartisan effort to come together and use all the energy tools in our energy tool box to, in fact, solve America's energy problems. Such an effort is being sponsored today in part by the House Renewable Energy and Efficiency Caucus, of which I am a member.

Renewable energy and energy efficiency are important tools for reducing our reliance on imported oil and addressing climate change. In my home State of California in 2007, 23.5 percent of our electricity came from renewable resources such as wind, solar, geothermal, biomass, and hydroelectric facilities. We've made a lot of progress. The Fresno-Yosemite Airport near my district recently installed solar panels that provide 40 percent of the airport's need for electricity. At my alma mater, Fresno State, we've built shaded parking using solar panels that provide over 20 percent of the energy necessary for the university. We also have dairy farmers and utility companies partnering together to generate electricity through methane gas.

This is the kind of partnership and cooperation and collaboration we need. This is an exciting time for renewable energy and energy efficiency. I encourage all to visit this very important expo and forum in the Cannon Office Building.

HONORING MICHAEL DEAN RAMBO

(Mr. MARCHANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARCHANT. Mr. Speaker, I rise today to honor Michael Dean Rambo of Colleyville, Texas.

Michael was an outstanding husband, father, and scout master for Troop 28. Michael was always looking for an opportunity to give back to the community in which he lived. He loved his family and friends, and they loved him.

Michael always had a childlike wonder and awe of the world around him

and a thirst for knowledge. His example and enthusiasm made those around him want to learn more and do more.

Michael was always up for a challenge and always willing to lend a hand. He was the cubmaster for Pack 254 before taking the lead role for Troop 28. Michael was the guiding light for Troop 28 for 12 years and helped them earn Colleyville's first service award.

Among Michael's many accomplishments, he earned his Eagle Scout at age 13. He earned a select student in science and math degree from Stephen F. Austin University, and he went on to earn a master's degree from UT Arlington. His favorite people were his sons, Patrick Rambo and Aaron Rambo, and his wife, Mary Margaret.

Michael Rambo selflessly served the community. He loved his family and friends, and he enjoyed life to the fullest. He was a role model of superior citizenship who had a tremendous impact on our lives.

PROVIDING FOR CONSIDERATION OF H.R. 1338, PAYCHECK FAIRNESS ACT

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1388 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1338) 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. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the

Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 1338 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida, a member of the Rules Committee, Mr. DIAZ-BALART. All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1388.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, House Resolution 1388 provides for consideration of H.R. 1338, the Paycheck Fairness Act, under a structured rule. The rule provides 1 hour of general debate controlled by the Committee on Education and Labor. The rule makes in order six amendments which are printed in the Rules Committee report, and the rule also provides one motion to recommit with or without instructions.

Mr. Speaker, our great Nation recently celebrated the 160th anniversary of the 1848 Women's Rights Convention in Seneca Falls, New York. This groundbreaking convention was dedicated to the key principle in the Declaration of Independence that we are all created equal. Women have had a hard time to recognize that because it took more than 70 years for us to pass legislation giving women the right to vote.

But in the years since Seneca Falls, generations of courageous women have made great strides towards equality. From securing a woman's right to vote in 1920 to serving our country in World War II, American women have come a long way. In this Congress alone, we have much to celebrate. Speaker PELOSI is the first woman to lead this esteemed body. And Senator CLINTON made "18 million cracks" in the Nation's highest glass ceiling as the first woman to run a formidable Presidential campaign.

Yet as we celebrate these important milestones and look back on all we

have achieved since 1848, we know full well that our journey toward gender equality is not complete. Despite the strong leadership of several generations of women, we are still struggling to achieve equality in the workplace. Among the most distressing disparities is the significant gap in pay between American men and women as they work side by side doing the very same work.

Mr. Speaker, 45 years ago President John F. Kennedy signed into law the Equal Pay Act to address the unconscionable practice of paying women less for the same job. That was 45 years ago and we still struggle. At that time when this bill was signed, women were earning 59 cents for each dollar earned by a man in a comparable job. While the wage gap has narrowed, today the working women in America still earn only 77 cents for every dollar earned by men. In other words, let me put it this way, 18 cents more has been achieved in the past 45 years.

According to the Department of Labor, which maintains data on over 300 job classifications, men are paid more in each and every category. This is so important, I'm going to say it again. The Department of Labor says in 300 job classifications, men are paid more in each and every 1 of them. Even in what they call the female-dominated industries where women comprise 70 percent of that labor force, women earn 20 percent less than their male coworkers.

Experts estimate that the average woman worker will lose anywhere from \$200,000 to \$2 million over her lifetime as a result of the wage gap. Over time women earn significantly less than men, and lower wages translate into less income that counts in calculating pensions and in some cases Social Security benefits. Closing the wage gap will have a long-term impact on the women's economic security, especially in retirement.

To all the cynics who dismiss equal pay as just another women's issue, I want to point out that the wage gap not only hurts women, it hurts families. It hurts children being raised by single moms who have to work two jobs to make ends meet when one might suffice were she to be paid equally with her male coworkers. It hurts families with two working parents who are struggling as one partner makes 20 percent less than her male colleagues. Currently, single women who are heads of households are twice as likely to be in poverty as single fathers. Again, currently single women who are heads of households are twice as likely to be in poverty as single fathers. That is a fact that we must face here and remedy. And we know that pay equity for women is closely linked to eradicating poverty. For families who live below or near the poverty line, the equal pay for women will make a significant difference to the well-being of American families. And after all, Mr. Speaker, isn't that why we are here?

Despite these statistics and shocking data that indicates that men make over 20 percent more than their female colleagues on average, the Supreme Court dealt a blow to working women last year when it decided *Ledbetter v. Goodyear*. In that case, former Goodyear employee Lilly Ledbetter, an employee of 28 years, sued the company after she left the company after discovering she had been paid significantly less than male employees doing the same job during her nearly two decades of employment. And remember, Mr. Speaker, that the Equal Pay Act of 1963 was in effect at that time. Though Ms. Ledbetter was clearly treated as a second-class employee, although she got wonderful ratings and compliments on her job, the Supreme Court let Goodyear off the hook on what I think is a misrepresentation of the law.

The Supreme Court ruled that in order to enforce her right to be paid fairly, Ms. Ledbetter would have had to file a wage discrimination complaint within 180 days of when the discrimination began. Now, imagine that. You're new on the job. You're happy to be there. You're learning your job. And you have no idea what other people are paid or whether you're being discriminated against. That shows you the grave mistake made by the Supreme Court. But since pay practices typically take place in secret, it would be impossible for a woman to discover discrimination within a 180-day window that she has to file a claim.

Justice Ginsberg, the only woman serving on the Court, wisely noted that the *Ledbetter* decision essentially gutted legislative protections against discriminatory pay practices. Again, that would have been the law of 1963. In its *Ledbetter* ruling, the Supreme Court has all but endorsed gender discrimination in employment by robbing women of a legal remedy to enforce equality. One certainly understands that we need more women on the United States Supreme Court.

To overcome these efforts to nullify the Equal Pay Act, we must redouble our efforts to insist that Lilly Ledbetter and the countless hardworking women like her in America are compensated fairly.

Earlier this month I was proud to join Speaker PELOSI, Senator CLINTON, ROSA DE LAURO, Lilly Ledbetter, and many of my colleagues at an event in support of the Paycheck Fairness Act.

□ 1045

This legislation we are debating today prohibits employers from retaliating against employees who discuss salary information with coworkers. Can you imagine that in most companies that is against the rules? It puts gender-based discrimination sanctions on equal footing with other forms of wage discrimination by allowing women to sue for compensatory and punitive damages, and it will help prevent future pay disparities by requiring the Department of Labor to expand

outreach to employers and to continue to collect and share wage information based on gender.

Finally, it creates a grant program to strengthen the negotiation skills of girls and women to help our daughters fight for the compensation to which they are entitled.

Today, we have an historic opportunity to stand up for the women of America and say, You deserve equal pay for equal work. Today, we have an opportunity and an obligation to stand up for our mothers and daughters and sisters and nieces who are making less than their male counterparts for the exact same work.

Today, even though it is late in the day, we have an opportunity to secure the promise of America so that tomorrow our daughters and sons and granddaughters and grandsons will all have equal opportunity to achieve the American dream. Until we do, we will never reach the gender equality that women and men present at the 1848 Women's Rights Convention aspired to achieve.

Mr. Speaker, it is our responsibility to the working women in our lives and to the generations of hardworking women who came before us to support this legislation. It is my sincere hope that this bill will soon become law, and I implore my colleagues to vote for it.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my friend, the distinguished chairwoman, Ms. SLAUGHTER, for the time. I wish her the best today, and all those who participate in this debate.

I yield myself such time as I may consume.

Mr. Speaker, no worker should ever be subjected to discrimination because of gender or any other reason. Anyone who commits such discrimination must be stopped and punished for reprehensible behavior. Discrimination has no place in the workplace.

For that reason, Congress has passed two major laws that prohibit an employer from paying an employee a different wages or otherwise discriminating in any term or condition of employment on the basis of gender. These prohibitions against discrimination are provided in both title VII of the Civil Rights Act and the Equal Pay Act of 1963.

The underlying legislation, H.R. 1338, seeks to further prevent gender discrimination in the workplace. The legislation has raised some concerns on how it seeks to achieve the goal. For example, in a letter from the Secretary of Labor, Ms. Chao, to Chairman MILLER, the Secretary expressed concerns that the legislation would allow for unlimited compensatory and punitive damages, and she also expressed opposition to changes in the establishment requirement. Under current law, employees whose pay is being compared, must work in the same establishment. In the underlying legislation, that would change to mean workplaces in the same county, and it also allows

that change to be defined even more broadly. But, without doubt, Mr. Speaker, this legislation deals with a very important subject.

Mr. Speaker, later this week, the House of Representatives is scheduled to take a 5-week recess so Members can return to their districts but, unfortunately, without having considered comprehensive energy legislation. A few days ago, I held a town hall meeting with constituents. One of them asked very clearly and emphatically that we stay in session until we consider comprehensive energy legislation that would reduce the price of gasoline and reduce our dependence on foreign energy sources. That was no isolated statement. Each and every time I speak to my constituents these days, I hear their frustrations and concerns with one specific issue, one specific problem facing the Nation, the unacceptably high price of gasoline.

I understand my constituents' frustration with the majority's unwillingness to act. They are upset and they want us to take action. I agree with my constituents that we should not leave until we have provided them, the Nation, comprehensive energy legislation.

I explained in that meeting that the minority each and every week has attempted and continues to attempt to bring a number of energy proposals before the House of Representatives for debate. However, the majority consistently blocks all attempts at a comprehensive energy debate.

The majority's constant attempts to block energy debates was even mentioned in a publication that covers Capitol Hill, *The Hill*. That newspaper, in an article a few days ago, stated, "Democrats have consistently put energy bills on the suspension calendar to block Republicans from offering any alternatives at all. They have also shut down the appropriations process for the year to avoid possibly losing votes on energy bills." That sort of obstruction is unacceptable, especially when the American people are calling for Congress to act.

The majority's obstruction, Mr. Speaker, is not limited to energy legislation. It extends to virtually every bill, including the underlying legislation.

Yesterday, the majority on the Rules Committee passed a restrictive rule that blocked an open and fair debate. A total of 15 amendments were submitted to the Rules Committee, four majority amendments and 11 minority amendments. Continuing its obstruction of an open debate, the majority on the Rules Committee made every majority amendment in order, while allowing only two minority amendments. The majority got 100 percent of their amendments made in order, while the minority got 18 percent of their amendments made in order.

This isn't the first time that has happened. Just last week, the majority on the Rules Committee did the same thing with regard to a bill, allowing

every majority amendment while blocking an overwhelming number of minority amendments.

So what happened to the majority's promise of an open and fair debate? I think it was well described by a recent article in another publication that covers Capitol Hill, called *Politico*, in an article on the Speaker. It read, "After promising fairness and open debate, she has resorted to hard-nosed parliamentary devices that effectively bar any chance for Republicans to offer policy alternatives."

I think it's unnecessary and unfair, Mr. Speaker. I think it's unfortunate and sad.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from the Rules Committee and also from Florida (Ms. CASTOR).

Ms. CASTOR. I thank the chairwoman for yielding time and thank her for her career of championing non-discrimination and equal rights for women in the workplace.

Mr. Speaker, I am proud to rise today in strong support of the Paycheck Fairness Act and this rule and take another important step towards equality for all Americans. During the 230 plus-year history of our great Nation, the march towards equality under the law for all of our citizens has sometimes been slow, but it has been steady.

Over time, the Congress has outlawed discrimination in the workplace based upon a person's race, gender, age, national origin, religion, and disability, because when it comes to employment and hiring and firing and promotion and compensation, decisions are rightly based upon a person's qualifications and job performance.

These are the values we share as Americans; that if someone works hard and plays by the rules, and if they share the same job, duties and responsibilities, no matter that they are a man or a woman, they will receive equal pay for equal work. Unfortunately, that does not always happen, and sometimes women are paid less just because they are women and the boss can get away with it. The wage disparity over time can cost women over \$400,000 to \$2 million in lost wages.

This Paycheck Fairness Act addresses that disparity by providing more effective remedies for gender-based wage discrimination and ensuring that if a case goes all the way to a jury, that the arbitrary and outdated caps on damages will be addressed.

Thank you to Congresswoman ROSA DELAURO. She introduced this legislation 11 years ago, but she never gave up. Congresswoman DELAURO, we are not going to give up just because the President has threatened to veto the measure. I'd also like to thank Speaker NANCY PELOSI, Chairman GEORGE MILLER, and Chairwoman LOUISE SLAUGHTER for their leadership and commitment to equality under the law for all Americans.

Passing this historic Paycheck Fairness Act will bring our Nation closer to

our promise of equality for all Americans. It is a hopeful day for working women and families, and I urge a "yes" vote on their behalf.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, we reserve.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to a member of the Rules Committee, the gentlewoman from Ohio (Ms. SUTTON).

Ms. SUTTON. I thank the distinguished Chair of the Rules Committee for her leadership on this issue and for the time. I also want to thank Speaker NANCY PELOSI and Representative ROSA DELAURO for their commitment and dedication to bringing this forward over hurdle past hurdle past challenge past challenge. Thank you so much.

Mr. Speaker, I rise in strong support of H. Res. 1388 and the underlying legislation, the Paycheck Fairness Act. Mr. Speaker, fairness is something we strive for in all aspects of our lives. From an early age, we try to instill in our children the importance of fairness, fair play, and equality. But, sadly, while we preach fairness, on average, women today earn a deplorable 77 percent of what men earn and, unfortunately, the wage gap in my home State of Ohio is even more substantial than the national average.

According to the National Women's Law Center, Ohio ranked 30th in the ratio of women's earnings to men's earnings. The Center gave Ohio, along with 46 other States, a failing grade. That is simply unacceptable.

I have read and heard the stories of wage discrimination. We have all heard the story of Lilly Ledbetter, the worker who was a victim of systematic pay discrimination for 19 years. These are the stories of women who have dedicated decades upon decades of their lives to their employers, only to find out that they are compensated at a fraction of the rate of their male counterparts.

With every paycheck these women deposit, they and their families are being held back, their earning potential limited by a factor over which they have no control, their gender, and a factor that has no affect on their job performance.

Mr. Speaker, I would like to read to you a letter my office received on this issue from a college student at the University of Akron. She wrote, "Ever since I started working, I have become more knowledgeable of the fact that in most cases men receive a higher pay than women do for the same amount of work."

We need to send a message to the young women in our country that the status quo is not acceptable. We need to respond to the concerns of our future leaders and show them that we are willing to stand up for their right to earn equal pay for equal work.

This young woman went on to say, "Equal pay for equal work is a simple matter of justice for women." I couldn't say it better myself. The Paycheck Fairness Act will update and

strengthen the Equal Pay Act. This bill will close numerous loopholes in the 45-year old law that has allowed employers to avoid liability for discriminatory practices.

□ 1100

The American people expect their government to stand up for fairness and justice. The Paycheck Fairness Act is not only about changing the way we treat our working women. It is about paying rent, putting food on the table, and paying for college tuition. We must return to the founding principles of our Nation and what has moved us forward in difficult times. Fairness has been at the heart of all that makes America strong, and this Congress cannot turn away from that.

I urge all of my colleagues to support this rule and this incredibly important bill.

Mr. LINCOLN DIAZ-BALART of Florida. I reserve my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the author of this legislation, an outstanding Member, the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in strong support of this rule. I commend Speaker PELOSI, the majority leader, Chairman MILLER, and as well Chairman SLAUGHTER and the entire Rules Committee, for bringing this important legislation to the floor.

With this resolution, we take up an effort that began more than 150 years ago when visionary women came together to stand up for women's rights, to better the status of women in our society. In this tradition, more than 11 years ago I first introduced the legislation that we consider this morning, the Paycheck Fairness Act, and I cannot help but think of all the Aprils we have commemorated Equal Pay Day without legislative movement. But, today, the legislative inertia we have experienced for years comes to an end. I could not be more proud.

We have made some important strides during the last quarter century. Women now make up a majority of the workforce, own 6 million small businesses and are more likely to hold an advanced degree than men. But for all of our successes, women continue to be stymied when it comes to equal pay.

The wage gap is real. Over the course of her lifetime, a female high school graduate will make \$700,000 less than the young man she graduates with. Compared to a man, a female college graduate stands to lose up to \$2 million in the course of her career. This is true across the board. As the National Committee on Pay Equity tells us, the wage gap today finds that women earn about 77 cents for every dollar men earn.

By now, we are all familiar with the case of Lilly Ledbetter, the woman whose pay discrimination case against Goodyear Tire and Rubber Company went all the way to the Supreme Court. In her testimony before the Education

and Labor Committee, she said, "Good-year acknowledged that it was paying me a lot less than the men doing the same work, so I was actually earning 20 percent less than the lowest paid male supervisor in the same position. What happened to me is not only an insult to my dignity, but it had real consequences for my ability to care for my family. Every paycheck I received, I got less than what I was entitled under the law."

Clearly, the marketplace alone and even our court system will not correct this injustice. We need a legislative solution. The Paycheck Fairness Act would make modest, commonsense reforms to the Equal Pay Act by closing numerous loopholes in the 45-year-old law that has enabled some employers to evade liability.

It would clarify 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; that it is job related and necessary for the businesses. It would prohibit employers from retaliating against employees who discuss or disclose salary information with their co-workers.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. SLAUGHTER. I yield an additional 30 seconds.

Ms. DELAURO. Of course, employees such as human resources personnel who have access to payroll information would not be protected if they disclosed workers' salaries of other workers. And it would strengthen the remedies available to include punitive and compensatory damages.

Pay equity is not just another benefit to be bargained for or bargained away. It is part of something bigger, part of a promise in which we all have a role, giving women the power to gain economic security for themselves and for their families. I urge a yes vote on this resolution.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, we continue to reserve.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank my colleague from New York for her leadership in the Rules Committee bringing this important bill to the floor. I thank my colleague ROSA DELAURO for her stunning work in bringing this legislation into print, and I rise in strong support of H.R. 1338, the Paycheck Fairness Act.

Last week, I was fortunate enough to participate in a rally with several of my female colleagues in the House and Senate and our hero, Lilly Ledbetter. Lilly's personal experience is a testament to the Equal Pay Act, which guarantees equal pay for equal work, needs some work of its own. H.R. 1338 closes some existing loopholes so that employees can fight for their deserved wages without fear of retaliation.

As we discussed these issues at the event last week, I was inspired and comforted to see such a crowd of young women, many of whom are recent college graduates just starting out in their careers. They can be sure that with the passage this legislation, they may not face the same barriers that women from their mothers' and grandmothers' generations faced.

I urge my colleagues to vote in favor of this important legislation. Help us secure a better economic future for our daughters, our granddaughters and their friends.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, in 1963 President Kennedy signed the Equal Pay Act in order to address the wage gap, and yet 45 years later, more than my entire life, women still make on average only 77 cents for every dollar earned by men for the same work.

Last summer I had the opportunity to meet Lilly Ledbetter during a House Judiciary Committee hearing. When she worked for Goodyear, she had no proof of pay discrimination until someone anonymously slipped payroll records into her mailbox. When Lilly took her case to court, the Supreme Court failed her, telling her she should have known all along she was being discriminated against, even though Goodyear's payroll records were secret. This bill lifts the cloak of secrecy that allows these kinds of unfair pay practices to fester.

I urge my colleagues today to support eliminating discriminatory pay practices. Let's create an America where our next generation of daughters get paid for their worth equally, regardless of their gender.

My congratulations to Congresswoman DELAURO and Chairman MILLER for their leadership on this issue. The Paycheck Fairness Act is a bold step forward in righting the wrong of pay discrimination.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

(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 the distinguished chairwoman of the Rules Committee. Her presence on the Rules Committee is evidence of the struggle, but yet the progress, and the reason why we stand here today. I thank the long-standing, committed Member of Congress, ROSA DELAURO, and I certainly thank the leadership for recognizing as we approach a very important time of year, August 26th, 2008, that will reflect on

the movement of women arguing not for special preferences, but simply equality, that this Paycheck equality legislation must pass today!

So the Paycheck Fairness Act is crucial to that equality, because it clarifies the “any factor other than sex” defense that kept Ms. Ledbetter from knowing and being able to petition for more money, is clarified to show that the disparity is not sex-based, is job-related, and necessary for the business. Do people realize that Ms. Ledbetter worked and toiled for years without understanding that she was not being paid a fair day’s wage for a fair day’s work? How tragic in America.

May I ask the Members to support this legislation, because it is real, it is needed now!

Mr. Speaker, I would also like to thank Congresswoman DELAURO for this important legislation as well as the Chairman and Ranking Minority Member of the Committee on Education & 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.

Earlier this 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, which currently has 230 cosponsors, 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, and 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 and former President of the Black Women Lawyers Association of Houston, 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 ten 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, and vote “no” on the motion to recommit.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Vermont (Mr. WELCH), a valued member of the Rules Committee.

Mr. WELCH of Vermont. Madam Chairman, I salute you for the work you have been doing on this issue and the issue of equality for women and the issue of equality for all people, and I salute Chairman MILLER for his work in Congress, for being on the verge of passing this legislation.

You know, it is truly shocking that we have a situation where there is a difference in pay depending on whether you are a man or a woman. You have heard the statistics. But what is even

more shocking is we had a Supreme Court that probably when history is written, its most shameful decision will be denying relief to a woman on the basis of a claim that she did not know existed. The Supreme Court said that when this person had been discriminated against for years and didn’t know about it, it was the burden on her to know about something that was actively being hidden from her by her employer. It is a shocking decision by our United States Supreme Court, and this Congress has an opportunity to overturn that.

H.R. 1338 is going to address that loophole. The wage gap that strikes women immediately upon entering the workforce is bad, and it gets worse. Ten years after college, women earn only 69 percent of what men do. The wage gap adds up quickly over the course of a career, \$400,000 to \$2 million over a lifetime. This discrimination can cost women security and retirement. Older women are less likely than older men to receive pension income, and when they do, they only receive about one-half the benefits that men do. It can cost a woman half their pension that would be comparable for a man.

Because of the wage gap, more women than men experience poverty or teeter on the edge of poverty. Seventy percent of older Americans living in poverty are women, and that is directly as a result of wage discrimination.

The hope of the American Dream is that people who work hard will get ahead regardless of their gender, regardless of their race, regardless of their national origin, and it is the challenge of this Congress being met by the promise of this legislation to make that American dream of equality of opportunity available to all people and to absolutely prohibit discrimination in wages solely on the basis of the gender of the person doing the work.

H.R. 1338 has 230 cosponsors. It is also supported by major women’s and workers’ rights advocates, including the National Committee on Pay Equity and the National Women’s Law Center. I ask for a “yes” vote and unanimous passage by the House of Representatives.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would ask the distinguished Chair how many speakers she has remaining.

Ms. SLAUGHTER. I would like to inform my colleague that I have no further speakers and would reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, first I would like to thank all of our distinguished colleagues who have come to the floor today to discuss this issue, the important issue of gender discrimination in the workplace and the fact that as a society we have to continue fighting discrimination.

The issue that I am constantly, constantly being contacted by my constituents about is an issue that affects

our entire society, and that is the unacceptable price of gasoline, the continuous rise of energy prices. There is no subject, Mr. Speaker, again, that my constituents contact me and urge me to act on more than that issue, that subject, that crisis really. It affects men and women. It affects our entire society. The price of gasoline has become simply unacceptable.

For weeks, we in the minority have pushed efforts to debate comprehensive energy legislation, but the majority consistently blocks our efforts to address one of the clearly most important issues facing the United States today.

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It is time for the House to debate ideas for lowering the skyrocketing cost of gasoline. So today, I urge my colleagues to vote with me to defeat the previous question so the House can finally consider real solutions to the rising energy costs facing Americans throughout our society each day.

If the previous question is defeated, I will move to amend the rule to allow for consideration of H.R. 6566, the American Energy Act, which provides a comprehensive approach that will increase the supply of American-made energy, improve conservation and efficiency, and promote renewable and alternative energy technologies.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. SALAZAR). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. By voting no on the previous question, Members can take a stand against these unacceptable prices of gasoline, and we can finally begin a comprehensive energy debate. And I remind all of our colleagues that voting no on the previous question will not preclude consideration of the legislation, the underlying legislation, the Paycheck Fairness Act. And I remind them that the unacceptable price of gasoline affects all of our constituents, men and women. I encourage a "no" vote on the previous question.

I yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I feel compelled to explain to the listening persons and those in our galley why we are here today.

The other side has consistently talked as though this is an energy bill, but let me remind all of us that this is an opportunity for the United States to bring into compliance with pay scales, in compliance with the law of 1963 for women who, as my colleague Ms. DELAURO pointed out, comprise 40 percent of the workforce.

This legislation cures a wrong that has cost many women between \$400,000 and \$2 million, not only in the lost wages they should have been paid had there been equality, but also indirectly

their pensions and their Social Security in many cases. This hurts families, Mr. Speaker. This hurts single parents who are trying, oftentimes doing two jobs, to try to keep food on the table.

All the statistics show, which absolutely astonished me, that more women who are single heads of household than men are under the poverty line. One reason for that is they did not get equal pay. We have to right this wrong. We have to do it today. I can't express enough my gratitude for Congresswoman DELAURO and the Women's Caucus for all the work that they have done. But it has been since 1963, 45 years ago, when the law was passed demanding equal pay. And here we are in 2008, Mr. Speaker, and we still don't have it.

I urge all of my colleagues to vote yes on the previous question, yes on the rule, and, by all means, yes on the underlying bill.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 1388 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. Immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the bill (H.R. 6566) to bring down energy prices by increasing safe, domestic production, encouraging the development of alternative and renewable energy, and promoting conservation. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the majority and minority leader, and (2) an amendment in the nature of a substitute if offered by the Majority Leader or his designee, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an Opponent; and (3) one motion to recommit with or without instructions.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition"

in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the 'previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution * * * [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. SLAUGHTER. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. 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 question will be postponed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5843

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 5843.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.