

Radanovich	Sensenbrenner	Tiberi
Regula	Sessions	Turner
Rehberg	Shadegg	Upton
Renzi	Shimkus	Walberg
Reynolds	Shuster	Walden (OR)
Rogers (AL)	Simpson	Walsh (NY)
Rogers (KY)	Smith (NE)	Wamp
Rogers (MI)	Smith (TX)	Weldon (FL)
Rohrabacher	Souder	Weller
Roskam	Stearns	Westmoreland
Royce	Sullivan	Whitfield (KY)
Ryan (WI)	Tancredo	Wilson (SC)
Sali	Terry	Wittman (VA)
Scalise	Thornberry	Wolf
Schmidt	Tiahrt	Young (FL)

## NOT VOTING—10

Brown-Waite,	Hulshof	Wilson (NM)
Ginny	Johnson (IL)	Wilson (OH)
Cannon	Lipinski	Young (AK)
Cubin	Rush	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

## □ 1602

Messrs. DONNELLY and CHILDERS changed their vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 230, nays 186, not voting 18, as follows:

[Roll No. 550]

## YEAS—230

Abercrombie	Cohen	Gutierrez
Ackerman	Conyers	Hall (NY)
Allen	Cooper	Hare
Altmire	Costa	Harman
Andrews	Costello	Hastings (FL)
Arcuri	Courtney	Herseth Sandlin
Baca	Crowley	Higgins
Baird	Cuellar	Hill
Baldwin	Cummings	Hinchee
Barrow	Davis (AL)	Hinojosa
Bean	Davis (CA)	Hirono
Becerra	Davis (IL)	Hodes
Berkley	Davis, Lincoln	Holden
Berman	DeFazio	Holt
Berry	DeGette	Honda
Bishop (GA)	DeLauro	Hooley
Bishop (NY)	Dicks	Hoyer
Blumenauer	Dingell	Inslee
Boren	Doggett	Israel
Boswell	Donnelly	Jackson (IL)
Boucher	Doyle	Jackson-Lee
Boyd (FL)	Edwards (MD)	(TX)
Boyd (KS)	Edwards (TX)	Jefferson
Brady (PA)	Ellison	Johnson (GA)
Braley (IA)	Ellsworth	Johnson, E. B.
Brown, Corrine	Emanuel	Jones (OH)
Butterfield	Engel	Kagen
Capps	Eshoo	Kanjorski
Capuano	Etheridge	Kaptur
Cardoza	Farr	Kennedy
Carnahan	Fattah	Kildee
Carney	Filner	Kilpatrick
Carson	Foster	Kind
Castle	Frank (MA)	Klein (FL)
Castor	Giffords	Kucinich
Cazayoux	Gillibrand	LaHood
Chandler	Gonzalez	Lampson
Childers	Gordon	Langevin
Clarke	Green, Al	Larsen (WA)
Clay	Green, Gene	Larson (CT)
Clyburn	Grijalva	Lee

Levin	Oliver	Smith (WA)
Lewis (GA)	Ortiz	Snyder
Loeb sack	Pallone	Solis
Lofgren, Zoe	Pascarella	Space
Lowe y	Pastor	Spratt
Lynch	Perlmutter	Stark
Mahoney (FL)	Peterson (MN)	Stupak
Maloney (NY)	Pomeroy	Sutton
Markey	Price (NC)	Tanner
Marshall	Rahall	Tauscher
Matheson	Ramstad	Taylor
Matsui	Rangel	Thompson (CA)
McCarthy (NY)	Reyes	Thompson (MS)
McCollum (MN)	Richardson	Tierney
McDermott	Rodriguez	Towns
McGovern	Ross	Tsongas
McIntyre	Rothman	Udall (CO)
McNerney	Roybal-Allard	Udall (NM)
McNulty	Ruppersberger	Van Hollen
Meek (FL)	Ryan (OH)	Velázquez
Meeks (NY)	Salazar	Visclosky
Melancon	Sánchez, Linda T.	Walz (MN)
Michaud	Sanchez, Loretta	Wasserman
Miller (NC)	Sarbanes	Schultz
Miller, George	Schakowsky	Waters
Mitchell	Schiff	Watson
Mollohan	Schwartz	Watt
Moore (KS)	Scott (GA)	Waxman
Moran (VA)	Serrano	Weiner
Murphy (CT)	Sestak	Welch (VT)
Murphy, Patrick	Shea-Porter	Wexler
Murtha	Sherman	Wilson (OH)
Nadler	Shuler	Woolsey
Napolitano	Sires	Wu
Neal (MA)	Skelton	Yarmuth
Oberstar	Slaughter	Young (FL)
Obey		

## NAYS—186

Aderholt	Foxx	Miller (MI)
Akin	Franks (AZ)	Miller, Gary
Alexander	Frelinghuysen	Moran (KS)
Bachmann	Gallegly	Murphy, Tim
Bachus	Garrett (NJ)	Musgrave
Barrett (SC)	Gerlach	Myrick
Bartlett (MD)	Gilchrest	Neugebauer
Barton (TX)	Gingrey	Nunes
Biggert	Gohmert	Paul
Bilbray	Goode	Pearce
Bilirakis	Goodlatte	Pence
Bishop (UT)	Granger	Peterson (PA)
Blackburn	Graves	Petri
Blunt	Hall (TX)	Pickering
Boehner	Hastings (WA)	Pitts
Bonner	Hayes	Platts
Bono Mack	Heller	Poe
Boozman	Hensarling	Porter
Boustany	Herger	Price (GA)
Brady (TX)	Hobson	Prce (OH)
Broun (GA)	Hoekstra	Putnam
Brown (SC)	Hunter	Radanovich
Buchanan	Inglis (SC)	Regula
Burgess	Issa	Rehberg
Burton (IN)	Johnson (IL)	Reichert
Buyer	Johnson, Sam	Renzi
Calvert	Jones (NC)	Reynolds
Camp (MI)	Jordan	Rogers (AL)
Campbell (CA)	Keller	Rogers (KY)
Cantor	King (IA)	Rogers (MI)
Capito	King (NY)	Rohrabacher
Carter	Kingston	Ros-Lehtinen
Chabot	Kirk	Roskam
Coble	Kline (MN)	Ryan (WI)
Cole (OK)	Knollenberg	Sali
Conaway	Kuhl (NY)	Saxton
Crenshaw	Lamborn	Scalise
Culberson	Latham	Schmidt
Davis (KY)	LaTourette	Sensenbrenner
Davis, David	Latta	Sessions
Davis, Tom	Lewis (CA)	Shadegg
Deal (GA)	Linder	Shays
Dent	LoBlundo	Shimkus
Diaz-Balart, L.	Lucas	Shuster
Diaz-Balart, M.	Lungren, Daniel E.	Simpson
Doolittle	Mack	Smith (NE)
Drake	Manzullo	Smith (NJ)
Dreier	Marchant	Smith (TX)
Duncan	McCarthy (CA)	Souder
Ehlers	McCaul (TX)	Stearns
Emerson	McCotter	Sullivan
English (PA)	McCrery	Tancredo
Everett	McHenry	Terry
Fallin	McHugh	Thornberry
Feeney	McKeon	Tiahrt
Ferguson	McMorris	Tiberi
Flake	Rodgers	Turner
Forbes	Mica	Upton
Fortenberry	Miller (FL)	Walberg
Fossella		Walden (OR)

Walsh (NY)	Westmoreland	Wittman (VA)
Wamp	Whitfield (KY)	Wolf
Weller	Wilson (SC)	

## NOT VOTING—18

Brown-Waite,	Hulshof	Scott (VA)
Ginny	Lewis (KY)	Speier
Cannon	Lipinski	Weldon (FL)
Cleaver	Moore (WI)	Wilson (NM)
Cramer	Payne	Young (AK)
Cubin	Royce	
Delahunt	Rush	

## □ 1609

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I request 5 legislative days for Members to revise and extend their remarks and insert extraneous materials on H.R. 1338.

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

There was no objection.

## PAYCHECK FAIRNESS ACT

The SPEAKER pro tempore. Pursuant to House Resolution 1388 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1338.

## □ 1610

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the 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, with Mr. CAPUANO in the chair.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the bill is considered read the first time.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

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

Before the Equal Pay Act, women in the workplace were paid 59 cents on the dollar compared to their male counterparts for performing the same jobs. Although the wage gap between men and

women has narrowed since the Equal Pay Act was passed, gender-based pay wage discrimination remains a very significant problem for women.

According to the Census Bureau, women make 77 cents for every dollar earned by a man. Just as disturbing is that African American women only earn 60 cents on the dollar, and Hispanic women earn an astonishing 55 cents on the dollar compared to their male counterparts.

Those figures do not just tell us what they lose in their wages on a daily basis, on a weekly basis, and on a monthly basis. But we must also understand that this wage disparity costs a woman anywhere from \$400,000 to \$2 million over a lifetime in lost wages and will follow her into retirement with lower retirement benefits, and will follow her into the Social Security system with lower Social Security benefits.

These women pay a great price because the law still allows employers to pay these individuals on a discriminatory basis for the jobs that they produce. But today this House has an opportunity to take a critical step to ensure that the Equal Pay Act lives up to its promise: equal work for equal pay, equal pay for equal work.

The Paycheck Fairness Act will strengthen the Equal Pay Act and close many of the loopholes that have allowed employers to avoid responsibility of engaging in discriminatory pay practices. Currently, an employer can refute a pay discrimination claim if he proves that the difference in pay is based upon any factor other than sex. They can pull any defense out of the air that they want, even if the factors are not related to the job. What we say is that they must provide a real business justification for not paying that equal wage. It must be related to the work.

They will have to show that any gender-based wage differential is job-related, not based on or derived from sex-based differentials, and is consistent with the business necessity.

H.R. 1338 will also prohibit employers from retaliating against employees who discuss their pay. We all remember the Lilly Ledbetter case. She did not know that she was being discriminated on every pay period because her fellow employees were unable to discuss their paychecks with her because that's the way the corporation kept the discriminatory practice secret and hidden from Lilly Ledbetter. We would not allow that to continue to happen.

The bill would also put gender-based discrimination sanctions on 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 or 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 current weak sanctions under the current law.

□ 1615

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 negotiating skills of girls and women.

Any wage gap based upon gender is unacceptable, especially in these tough economic times. For families living near or under the poverty line, equal pay for women will make a significant difference in that family's well-being.

By allowing wage discrimination to continue, we hold down women, their families, and harm the American economy as a whole. Today, we have a chance to rectify those practices. Today, we have a chance to ensure that, in fact, women will receive equal pay for equal work as they do not now receive in the workplace because of the barriers that have been erected to their being able to prosecute those individuals who engage in a discriminatory practice.

Today, we are taking up this bill. And no one is more responsible for the House consideration of this legislation than Congresswoman ROSA DELAURIO. I thank her for her tireless leadership on this bill, and the 230 cosponsors who are taking a strong stand against unequal pay. Congresswoman DELAURIO has worked over a decade trying to get the Congress to pay attention to this problem that women face in the workplace, to this economic devastation that takes place against women in the workplace, the discriminatory practices that women face in the workplace, but there was no response in this body to her pleas. There was no response to the practices against these women in this body. Today there is. Today, this Congress, this House has an opportunity to finally enforce the Equal Pay Act and to make sure that women no longer have to suffer the discrimination of unequal pay.

Mr. Chairman, I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, 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 enactment of title VII of the Civil Rights Act. Together, these laws offer women 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.

H.R. 1338 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 health care, a lack of workplace flexibility, and yes, the high price of gasoline, this bill invites more and costlier lawsuits.

The bill opens EPA claims to unlimited compensatory damages, even in cases where there was clearly no intentional discrimination. The majority will offer an amendment today 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. 1338 will breed litigation in other ways as well, from encouraging class action lawsuits to expanding liability.

I'm also concerned that this bill has been put forward using misleading claims to justify its dangerous consequences. Supporters will repeat over and over the statistic that women earn just 77 cents on the dollar. Mr. Chairman, if a woman earned 77 cents on the dollar doing the same job as a man, 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 doing the same job. To argue that a woman only makes 70 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 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 work 40 hours per week, women actually earn 88 cents on the dollar. The wage gap is much narrower, but the existence of a gap is still troubling.

However, last year 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.

Luckily, there are steps we could take right now, right here, that would ease the strain on working women. Republicans have proposed a bill, the American Energy Act, that embraces our "all of the above" approach to the energy reform. It would unlock America's vast energy resources, increasing the production of American-made energy and reducing foreign nations' stranglehold on our economic and national security.

Republicans recognize that we need comprehensive solutions to solve our energy crisis and ease the strain on working families brought by high energy costs. Unfortunately, the majority has refused to allow a vote on commonsense energy reform. Now we're poised to go home for a month without voting on real energy reforms. We're about to pass a bill that will bring a major payday to trial lawyers, but will do nothing to ease the pocketbook concerns of hardworking American families.

Mr. Chairman, I am strongly opposed to H.R. 1338; it's the wrong bill at the wrong time. We shouldn't be here giving handouts to trial lawyers; we should be voting on energy solutions for American families.

Mr. Chairman, I reserve the balance of my time.

Ms. LINDA T. SÁNCHEZ of California. At this time, I am pleased to yield 1 minute to the distinguished majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentlelady for yielding.

I must say to my friend on the other side of the aisle, I believe it's never the wrong time to do the right thing, and this is the right thing.

My friend mentions trial lawyers. Trial lawyers are in the business of redressing grievances. Juries and judges are in the business of deciding whether the grievance deserves redress, not trial lawyers. Trial lawyers raise the issue. Judgments are not given by trial lawyers, but by judges and juries.

Equal pay for equal work. When we put the principle as bluntly as that, I doubt that anyone in America would disagree. It's a basic ideal of fairness. Is there a woman on this floor that believes they ought to be paid less than the men that do exactly the same kind of work? And I would suggest the answer to that is no, whether they're staffers or Members. I hope there is not a female page who watches these proceedings that believes that they are less valuable than the male pages that serve this House. They are equally valued, irrespective of gender.

The value of work lies in a job well done, not in the gender of the worker; but within my lifetime, it was a radical notion. For decades, it was perfectly acceptable for women to earn less simply because they were women.

We celebrated the 60th anniversary of the integration of the Armed Forces

just a few days ago. Colin Powell spoke, and he indicated that he was too small to really remember the ramifications of that executive order, but he said to himself, how strange it would seem today to think that men and women would be segregated by unit and by housing because of the color of their skin. It is equally wrong to make distinctions of gender in payment for services.

Thanks to the hard work of generations of women advocates, we've closed that gap from 61 cents back in 1963 to 77 cents on the dollar today. Being 77 percent right is not enough, we need to be 100 percent right. We need to pay dollar for dollar for work performed.

In fact, it depends on staying hidden, it depends on keeping women in the dark. Because, of course, it's against the law not to pay equally, but if you don't know that you're being discriminated against, how can your grievances be redressed? In fact, the Constitution of the United States says, as all of us know, that Americans are guaranteed the right to petition the Congress of the United States for redress of grievances, and yet we keep people in the dark as to whether or not, in fact, they are aggrieved.

By now, we have all heard about the Lilly Ledbetter case. Ms. Ledbetter was a supervisor at a tire plant in Alabama, and for years she was paid less than her male coworker. I would be interested if any Member of this House is prepared to come to this well or stand at one of these microphones and say it was right to pay a supervisor that was a woman less than a supervisor who was a man. And if you do come to this well and say that, I look forward to debating you on that issue.

But Lilly Ledbetter had no way of knowing that she was being paid differently. She didn't know the truth. And by the time she found out, years after the discrimination began, the court said it was too late, time had run, statute of limitations gone, insurance run out. She didn't have the right to redress her justifiable grievance.

Her case is hardly unique. Justice Ginsburg has written that "comparative pay information is often hidden from the employee's view." In many workplaces, merely asking a coworker about his or her pay is a firing offense. Far from protecting privacy, rules like that can protect an employer's power to discriminate.

And should we say, well, I know the employer discriminated, but we don't want to have a lawyer take that case because, after all, we don't like lawyers, they bring to our attention wrongdoing, they ask for redress of grievances, they petition the jury and the court; this is wrong. You know, a famous individual from my State, Justice Thurgood Marshall, did that. He was a trial lawyer. And he petitioned the court and said, it is wrong to segregate blacks and whites, it is wrong to give secondary education to African Americans, just as lawyers come and

say it's wrong to discriminate on gender as opposed to quality of work.

In many workplaces, as I've said, merely asking a coworker about his or her pay is a firing offense. That's why this bill, the Paycheck Fairness Act, is so necessary. It is time to do the right thing. It may be too late for some, but it's the right time for many.

It amends the Equal Pay Act to bar retaliation against employees who share or inquire about pay information. It strengthens sanctions against discriminatory employers—which have not been adjusted for 17 years. It clarifies acceptable reasons for differences in pay related to factors other than gender. And it authorizes additional training for Equal Employment Opportunity Commission staff to better identify and handle wage disputes.

□ 1630

I want to recognize my colleague Congresswoman DELAUNO for working so hard for so long and so passionately to bring this bill to the floor.

I urge all of my colleagues to support it. It's the right time. It's the right place. It's the right time.

Mr. McKEON. Mr. Chairman, I yield myself such time as I may consume.

My good friend the majority leader mentioned trial lawyers. I'm not a lawyer. I know we have a lot of them here in the House, and I am not particularly against lawyers. I think they perform a good service.

One of the things that we did in subcommittee is we thought maybe we should be able to limit trial lawyers' pay when they take some of these claims, and we even had an amendment that we presented that we would limit the trial lawyers to \$2,000 an hour. We thought maybe that would be reasonable. Every Democrat voted against that. And when we took it to the Rules Committee to bring it here to the floor, we were denied the opportunity of discussing that here on the floor. So maybe that's why the other side feels that we are against trial lawyers, because we wanted to limit their pay to \$2,000 an hour. Anyway, we were not able to discuss that here and we won't be able to have that amendment here today.

Mr. Chairman, I am happy to yield 3 minutes at this time to the ranking member on the subcommittee over this issue, the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Chairman, thank you for this opportunity to speak on H.R. 1338.

I want to thank the ranking member of the committee, Representative BUCK McKEON of California, for his leadership here today.

I know we can all agree that discrimination in the workplace is unacceptable. That is why employment discrimination, including pay discrimination, based on gender is already prohibited by law. As an attorney myself, I believe there are already considerable legal ramifications for discrimination

in our Federal laws, which makes the legislation we are considering here today unnecessary and redundant.

Additionally, it seems the premise for bringing this bill to the floor today is in response to potential wage gaps between men and women in the workforce. I would remind my colleagues that research into this issue, including a report by the Government Accountability Office, GAO, concluded that the "wage gap" was not simply derived from sex discrimination or pay discrimination. In fact, the reasons for such a gap can be numerous.

But to the bill itself, I am concerned that this legislation will not strengthen current laws or improve workplace protections but rather create additional and greater potential for individuals, well-meaning or otherwise, to abuse these protections in our courts.

This bill does two very damaging things to current law. It allows for unlimited compensatory and punitive damages for claims brought under the Equal Pay Act, and it does not require proof of intent to discriminate in those claims. These two components could have unintended consequences for employers and employees, and they make it more attractive for unsubstantiated claims before the courts.

I welcome a healthy debate on employee and employer protections in the workplace. In fact, I would hope that before going forward, the debate on these issues would be more open where both the minority and majority might have greater opportunity to offer amendments to strengthen legislation and address the real concern of America's hardworking families.

I want to thank Ranking Member BUCK MCKEON for his leadership, and I encourage my colleagues to oppose this legislation. American workers deserve reasonable protections that are enforced. This bill would undermine those efforts in America's workforce.

Ms. LINDA T. SANCHEZ of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. WOOLSEY) having assumed the chair, Mr. CAPUANO, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration 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, had come to no resolution thereon.

#### PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING FURTHER PROCEEDINGS TODAY

Ms. LINDA T. SANCHEZ of California. Madam Speaker, I ask unanimous consent that, during further proceedings today in the House and in a

Committee of the Whole, the Chair be authorized to reduce to 2 minutes the minimum time for electronic voting on any question that otherwise could be subjected to 5-minute voting under clause 8 or 9 of rule XX or under clause 6 of rule XVIII.

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

There was no objection.

#### PAYCHECK FAIRNESS ACT

The SPEAKER pro tempore. Pursuant to House Resolution 1388 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1338.

□ 1636

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further 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, with Mr. CAPUANO in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, 43½ minutes remain in general debate. The gentlewoman from California (Ms. LINDA T. SANCHEZ) has 23 minutes remaining. And the gentleman from California (Mr. MCKEON) has 20½ minutes remaining.

The Chair recognizes the gentlewoman from California.

Ms. LINDA T. SANCHEZ of California. Mr. Chairman, at this time I would like to recognize a true champion of women in the House and the author of the Paycheck Fairness Act, the gentlewoman from Connecticut (Ms. Rosa DeLauro), for 6 minutes.

Ms. DELAURO. I thank the gentlewoman for yielding.

I want to thank Chairman GEORGE MILLER for his dedication to this cause. We never could have come this far without his tenacious leadership.

We are grateful, Chairman MILLER.

Mr. Chairman, the Paycheck Fairness Act is about valuing the work that women do in our society. One of our Nation's most enduring principles, one of our greatest aspirations, has been ensuring equality of opportunity for all. There is no more important American promise that allows us to be a country of dreams and of success, and today we can take another important step toward finally honoring that promise.

I want to thank Speaker PELOSI, whose leadership today continues to build on the legacy of those who preceded us, those pioneers at Seneca Falls as well as the women who blazed a path in the House of Representatives, Jeanette Rankin, Mary Norton. Even President Kennedy's Equal Pay Act

grew out of the Commission on the Status of Women led by Eleanor Roosevelt. Forty-five years later our Speaker has celebrated that history by making this movement an absolute priority. Her message has been clear: It is time to stand up for working women and their families.

Well, Mr. Chairman, we can do that today by supporting the Paycheck Fairness Act, reasserting the principle that women and men should be paid the same when doing the same work and making it real by allowing female employees to sue for compensatory and punitive damages. It does so without imposing the arbitrary caps women face under title VII. It protects employees from retaliation for sharing information with their coworkers about their salary, with some exceptions. And it establishes a grant initiative to provide negotiation skills training programs for girls and women.

Some will have you believe that the wage gap for women is a myth, that we already have laws in place to make discrimination on the basis of gender illegal. But just because something is illegal does not mean that it does not continue to happen. According to the Department of Labor, women still earn only 77 percent of what men earn.

Opponents insist that this figure does not take into account education and experience. But the truth is the gap barely closes among women with college degrees. Recent research by the American Association of University Women found that just one year after college graduation, women earn only 80 percent of what their male counterparts earn. Ten years after college graduation, women fall further behind, earning only 69 percent of what men earn. So what is the message? No matter how advanced their degree or how hard they work, women will not be compensated fairly.

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. Others will insist that we cannot open the door for increased litigation, but in the light of day, it is clear that the current system is rife with loopholes that have allowed employers to avoid responsibility for discriminatory pay scales.

We all know Lilly Ledbetter's story. For so many years she was shortchanged by her employer. And years later she was shortchanged again by the Supreme Court ruling of 5-4 against her discrimination claim, drastically limiting women's access to seek justice for pay discrimination based on gender.

We have an obligation to ensure that this does not go on any longer, and we must begin today by toughening remedies in the Equal Pay Act to give America's working women the opportunity to fight against wage discrimination and receive the paycheck they have earned. No one should be forced to consider a trade-off between a full wage, a family life, and a good job.