

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.

My colleagues on both sides of the aisle, we are so fortunate to come to work every day in this extraordinary institution. We are blessed. Different regions of the country we come from, different backgrounds, and different experiences. We are men and we are women and we are paid equally. Every woman in this country deserves the same. Every family deserves to know that this institution will act today to make it real.

It is about ensuring that women who work hard and productively and carry a full range of family responsibilities are paid at a rate they are entitled.

I urge my colleagues to support the Paycheck Fairness Act. We should not underestimate the power of a big idea whose time has come.

So many employers and companies do the right thing as a matter of course, but passing this bill today says that this is now a matter of right and wrong, that discrimination is unacceptable anywhere, and we are all diminished when we fall short. But today we have a chance to make all men and women whole and contribute to the richness of America.

In 1963 President Kennedy signed the Equal Pay Act, saying that it would "add to our laws another structure basic to democracy" and "affirm our determination that when women enter the labor force, they will find equality in their pay envelope."

Today we have another opportunity to make good on that promise. Those days come only few times in our tenure in the United States Congress.

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

It is my hope today that the House of Representatives passes this law and makes history for our country.

□ 1645

Mr. McKEON. I am pleased to yield such time as she may consume to the gentlelady from North Carolina (Ms. FOXX).

Ms. FOXX. I want to thank Ranking Member McKEON for his work on this bill. I find it very interesting that our colleagues have such hubris that they think we are going to solve all of the problems of the world here in the Congress. I wish that it were so.

I worked all my life for equal rights for women, and I don't take a back seat to anyone on this floor or in this body for that. But I want to say that this bill is not going to solve the problem that we face in terms of equal pay for equal work.

My colleagues have reviewed very well the existing law. They have stated well why this bill is not needed. But I have to say that the Democrats have been very clever in the way that they

have named bills here this year. The Free Choice Act, which takes away the choice of a secret ballot for voting for unions, does exactly the opposite.

This bill, the Paycheck Fairness Act, will not do what the Democrats purport that it will do. It will help trial lawyers. Those in charge of the House of Representatives, I believe, are being controlled by trial lawyers, union leaders, and radical environmentalists.

I think this bill will make it easier for trial lawyers to cash in. It includes several steps that will make it more lucrative for trial lawyers to pursue sex discrimination claims under the EPA. This may be good for lawyers, but it will be costly for businesses and their workers.

I agree, discrimination against anyone is wrong. No one who serves in this House or who lives in this country wants to see that. But I want to quote from an article by Carrie Lukas, and I will put the entire article in the RECORD. The subtitle is: The Paycheck Fairness Act, and the title is: Feminists Meddle with the Market. It's in National Review.

"Today is a rare moment when Congress has the potential to meaningfully address a real economic problem, rising energy prices, with sensible legislation to allow more drilling to increase energy supplies. So what has Congress slated for consideration this week? The Paycheck Fairness Act, a bill that is the equivalent of throwing sand into the wheels of our economic machine."

She goes on to say, "Of course, no congressional legislation would be complete without a healthy serving of waste, and the Paycheck Fairness Act doesn't disappoint. It would create a new grant program to instruct women on salary negotiation tactics and require the Department of Labor to train employers in strategies for eliminating pay disparities. It seems almost quaint to ask, but where in the Constitution is Congress granted the power to engage in this type of activity? Taxpayers should be outraged that their money is being put to such use."

If we are really concerned about working women and wanting to see them treated fairly, the Democrats in charge would bring up the American Energy Act and let us vote to create more sources of energy, thereby bringing down the cost of oil and gas and other forms of energy. This would do a lot more to help working women than this bill is going to do.

[From NRO Contributor July 30, 2008]

FEMINISTS MEDDLE WITH THE MARKET—THE  
PAYCHECK FAIRNESS ACT  
(By Carrie Lukas)

When an economic issue makes headlines, you can usually count on Congress to respond, more often than not with an overreach that creates more problems than it solves (think Sarbanes-Oxley or the recent housing bailout bill). Today is a rare moment when Congress has the potential to meaningfully address a real economic problem—rising energy prices—with sensible legislation to allow more drilling to increase energy supplies. So what has Congress slated

for consideration this week? The Paycheck Fairness Act, a bill that is the equivalent of throwing sand into the wheels of our economic machine.

Underlying the bill are the assumptions that our workplace is systematically hostile to women and that existing laws don't provide enough protection for women. As committee chairman George Miller (D., Calif.) said when celebrating the passage of the bill out of his committee: "This is a historic day in the fight for equal rights for women. 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 current law."

The committee's press release, like essentially every public statement supporting expanded "equal pay" laws, cites the statistic that women earn just 77 percent of men's earnings. This "wage gap" is considered proof that the work world's deck is still stacked against women and government needs to do more to make sure that everyone plays fair.

Yet a statistic that simply compares the wages of the median full-time working man and the full-time working woman tells us nothing about the existence (or lack thereof) of systematic wage discrimination. Many factors contribute to how much one earns, from occupation and area of specialty to education and years of experience. Not surprisingly, once those factors are taken into account, the wage gap shrinks.

Men tend to take jobs that are dirtier, more dangerous, and distasteful than those performed by women. Overwhelmingly, men are the ones working in our sewers, guarding our prisons, laying concrete in the scorching sun, and catching and gutting our fish. They work more graveyard shifts and longer hours, in fact, the Department of Labor estimates that even full-time working women spend about a half an hour less each day on the job than men do. Women disproportionately work indoors, in safe, climate controlled buildings, with regular, or even flexible, hours. More people are interested in working in libraries and school buildings than on the fishing boats featured in Deadliest Catch, which is why physically strenuous, dangerous jobs pay higher salaries.

Feminist activists tend to be frustrated with this analysis, and the explanation that the market (not nefarious men) is primarily responsible for women earning less. They don't think it's fair that jobs that require an education, like social work or teaching, are less valued in the marketplace than positions in trucking and sanitation work that require only characteristics like stamina and a high tolerance for filth.

They've long championed policies, dubbed as "comparable worth," that would give government officials the power to supersede the market to make sure that women's contributions aren't undervalued. The Paycheck Fairness Act takes steps in that direction. The Department of Labor would issue "guidelines" that compare the wages of different jobs to give employers a sense of what is considered "fair." The guidelines may not have the force of law (yet) but certainly would be a powerful specter hanging over employers seeking to avoid costly litigation.

And employers would have additional reason to fear that they would be targets for litigation if the Paycheck Fairness Act becomes law. This bill would subject employers to unlimited compensatory and punitive damages, even for unintentional pay disparities, creating potential paydays certain to inspire trial lawyers to action. The bill would also strip employers of the ability to defend differences in pay as based on factors other than sex, such as experience and performance, leaving courts to dictate what constitutes a legitimate pay structure.

Of course, no congressional legislation would be complete without a healthy serving of waste, and the Paycheck Fairness Act doesn't disappoint. It would create a new grant program to instruct women on salary negotiation tactics and require the Department of Labor to train employers in strategies for eliminating pay disparities. It seems almost quaint to ask, but where in the Constitution is Congress granted the power to engage in this type of activity? Taxpayers should be outraged that their money is being put to such use.

Federal law already outlaws sex discrimination. This legislation would afford women few new protections against actual sex discrimination, but would raise the cost of employment and discourage workplace flexibility. It is exactly what women—and the economy—don't need. If this is what we can expect from the rest of this Congress, Americans should hope for an early recess.

Ms. LINDA T. SÁNCHEZ of California. I would yield 2 minutes to a distinguished Member of this body, the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. As some of you may know, at one time I was a single mother raising three small children. I was working full time, but I still wasn't able to put food on the table, pay for doctors' visits, and care for the other needs of my children all on my own because my paycheck was for a 40-hour week but it did not cover our necessities. To make ends meet, I was forced to turn to public assistance.

That was more than 35 years ago, but today there are still millions of single mothers in our country who are struggling to provide for their families, many while balancing full-time jobs. In fact, single mothers are twice as likely as fathers to raise their children in poverty.

Unfortunately, so long as women continue to receive pennies on the dollar compared to their male counterparts, this statistic is unlikely to change any time soon.

I want to thank my friend, Congresswoman DELAURO, for her work on this issue, and I would like to remind all of you that the Paycheck Fairness Act is about a lot more than fixing a couple of loopholes. It's about strengthening families, combating poverty, and finally recognizing that equal work deserves equal pay.

I am proud to be a cosponsor of this legislation, which will provide the additional tools that we need to stamp out gender-based wage discrimination once and for all.

Mr. MCKEON. I reserve the balance of my time.

Ms. LINDA T. SÁNCHEZ of California. It gives me great pleasure to yield 2 minutes to a champion of the working class and the Chair of the Health, Employment, Labor, and Pension Subcommittee of Education and Labor, the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. I would like to thank my friend from California for yielding.

This bill is for the woman who runs the office, who makes all the important decisions, without whom the place couldn't function; who one day comes in and discovers that a man, usually a man younger than her, has been brought in and given a higher title, a higher pay, and fewer responsibilities. And she goes to work and says, this isn't fair. I'm doing a job that is actually more important than this other person and getting paid less for it.

Now it's true that the statutes presently say you have to get equal pay for equal work. But it's also true that the remedies are so limited under existing law that many women can't get an attorney to represent them in their case so it never gets brought.

The best idea in this bill is for the first time it gives robust and full remedies to help that woman so that if she is able to prove her claim that she is underpaid relative to the work that she is doing, she will be fully and fairly compensated, and out of that compensation will come the funds to get her the competent representation that she deserves. The woman who's the office manager who doesn't make as much as the executive vice president for administration.

Well, I will tell you, in my life, Mr. Chairman, I benefited from a lot of women who are office managers that don't have fancy titles but without whom institutions could not run. This bill is for that woman and for her daughters so that they do not have the situation where they are devalued, debased, degraded, and disrespected in the workplace.

It is long overdue that we vote "yes" on this bill, and I would urge colleagues on both sides to do that.

Mr. MCKEON. I yield such time as she may consume to the gentlelady from North Carolina (Ms. FOXX).

Ms. FOXX. Thank you, Mr. MCKEON. I want to continue with what I was saying before. Republicans are deeply concerned about working families. Every day we come to this Congress and we do everything that we can to help those working families. We believe that if any worker is subject to discrimination in the workplace because of their sex, or for any other reason, that that discrimination should be rooted out and punished accordingly. That is why current law protections are so important. Again, we have outlined why those laws are adequate currently.

We are also concerned about other workplace policies and proposals that threaten workers' wages, flexibility, and freedom. However, unfortunately, Democrats have once again stifled debate in the House and blocked the minority from offering amendments that address the real concerns of working women and families.

They have done the exact opposite of what they promised to do in 2006, make this the most open Congress ever, make this the most ethical Congress ever, make this the fairest Congress

ever. It has been just the opposite of that.

Again, what we should be doing today is we should be debating how we can bring down the price of gasoline and heating oil and all of those things that are harming working Americans every day, but instead we are dealing with bills that are going to do nothing but line the pockets of trial lawyers and create what I call high-priced welfare, which are high-priced bureaucratic jobs which don't really do anything to help working men and women in this country, especially working women, increase their pay.

We will be stifling businesses. It seems as though they hate business and industry, and want to do everything that they can to shut it down in this country. This bill will certainly help do that.

So I say we vote "no" on this bill because this bill doesn't do what the title pretends it does, and in fact harms working women. What we need to do is be doing something to bring down the price of energy.

Mr. GEORGE MILLER of California. It's a pleasure to yield 2 minutes to a member of our committee, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. I rise today in strong support of the Paycheck Fairness Act, to protect the right of all Americans to equal pay for equal work. I want to begin by thanking my colleague, Representative DELAURO, for introducing this bill, and Chairman MILLER for steering it through committee and onto the floor. It is long overdue.

After years of neglect under the former majority, this House has boldly taken on the challenge of trying to solve longstanding economic problems so that hardworking families can really achieve the American Dream instead of just dreaming about the American Dream.

Women across America are still only paid 77 percent of what men are paid. Does this mean that women are only 77 percent as valuable as their male counterparts? Certainly not. It means there are, unfortunately, still lingering remnants of an earlier time in our history when women didn't have the same rights as men.

Though we have made great strides toward fair and equal treatment for women in the workplace, our work is still not done. This bill continues our progress by creating more opportunities for women and their families. Nearly 7½ million of America's poverty-stricken children live in female-headed households. This bill will help those families rise out of poverty by ensuring the hard work of female-headed households is rewarded equally and fairly.

Much has been said about this bill lining the pockets of trial lawyers. Let's not lose focus of what this bill is about. It is saying to women that if you have been wronged, if you have

been discriminated against, you will have a fair day in court.

So, for yourselves, your wives, your sisters, your daughters, and the children of America, I urge my colleagues on both sides of the aisle to vote "yes" on this important piece of legislation.

Mr. MCKEON. How much time do we have left?

The CHAIRMAN. The gentleman from California (Mr. MCKEON) has 15 minutes. The gentleman from California (Mr. GEORGE MILLER) has 11½ minutes.

Mr. MCKEON. I reserve the balance of my time.

Mr. GEORGE MILLER of California. It's a pleasure to yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. I thank our chairman from the Labor Committee. I want to urge our Members here today to vote on this very important bill, H.R. 1338, the Paycheck Fairness Act. Our colleagues, ROSA DELAURO, and others, have championed this bill for many years. But ROSA has really dedicated herself to this movement. I am happy to be a cosponsor of this bill. She understands, as we know and many women know, that we have to recognize that there are inequities that exist in our communities, and especially among women and women of color.

Some of you may know that while women overall only receive 77 cents on the dollar, Latinas only average 57 cents on that dollar, and African American women only get 68 cents on the dollar.

Indeed, there are disparities that exist and continue. We have an obligation here in this House to do the right thing.

Just today, this morning, Arnold Schwarzenegger, our Governor, cut the payroll for many State employees. Many of them are women. They are the earners for their households. They have to put food on the table. Now they are going to be making Federal minimum wage, which is less than what the State of California's minimum wage is. What an atrocity.

I am not going off message, I am just trying to strike home a point that it's important to take care of all those that work in our society, but particularly women because they are the ones that are mostly discriminated against, and we have to cut that out.

Again, I want to wholeheartedly offer my support and have my colleagues know that I stand first and foremost for pay equity for all of us. I ask you to vote for H.R. 1338.

□ 1700

Mr. MCKEON. Mr. Chairman, let me yield myself such time as I may consume.

I want to put it on the record that I like women. I have been married almost 46 years, and we have three daughters and we have three sons, and I would not want the daughters to be discriminated against, I would not

want my sons to be discriminated against.

I wish we could do something here that would end for all time all discrimination. Unfortunately, I guess when there are people involved in different things, some of them will tend to discriminate. That is why the law was passed in 1963, to level all pay. I want to just on the record make sure that everybody understands when we throw everybody into a pot and then add up all of their salaries, we are not talking about equal pay for equal jobs.

One of the things that we learned when we had the hearing last year, when we are talking about actual people and actual jobs, is that many women ended up going into, after graduating from college, many of them go into teaching, many of them go into social work. Many men go into jobs, some of them go into teaching. If they go into teaching, they are hired, they make the same exact wage. If the men go into social work and women go into social work, they make the same wage. But if a person goes into banking at a level that pays higher or into law at a level that pays higher, again, a woman going into law will make the same as a man. But when they throw all of these jobs into the same pile, that is where you get some differentiation in the pay.

Again, if we could just hold to equal pay, same job, same pay, I am totally supportive of that. That is what the law says, and that is what we should enforce. And the numbers that I quoted earlier, the pay is almost exactly the same. Where there is some discrimination, we should go after it, we should enforce the law. That is what I would encourage us to do.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. I thank the chairman for recognizing me.

First I want to pay tribute to a great, great Member of the House and someone that we are so, so proud and grateful to, and that is Congresswoman ROSA DELAURO. Your mother is proud, ROSA. We are all proud. You have really paid for your keep here by making such a contribution. And also to the great GEORGE MILLER, who saw this legislation through.

I want to make a couple of observations. My friend from California just went through a whole discussion that really is not a part of this bill, and it is all about comparable worth. That is not what is in this bill.

I also want to make another observation. There are very few on the other side that are coming to defend the case that is being made over there.

Mr. MCKEON. Will the gentlewoman yield?

Ms. ESHOO. No, because I don't have that much time.

Mr. MCKEON. I would yield you more time.

Ms. ESHOO. My other observation is that the case being made by our friends on the Republican side really states very fully that you are on the wrong side of history. What this bill does is to give women the tools that they need legally so that an employer can no longer discriminate against them.

Have any of you heard of Lilly Ledbetter, of that case and what happened to that woman?

Mr. MCKEON. Will the gentlewoman yield?

Ms. ESHOO. No, I am not yielding. I told you, I don't have enough time. I would like to be able to say everything that I want to say.

Mr. MCKEON. I said I would be happy to yield you more time.

Ms. ESHOO. What this bill does is it says to employers today that you cannot punish employees any longer who discuss or disclose salary information with their coworkers. I think that is a pretty important thing. This bill also says today that employers will have to give a satisfactory explanation for paying a man more than a woman for the same job, and that they are going to have to demonstrate that the disparity is not sex-based, but job related.

So, today we are trying to even out the playing field. I think if my mother were sitting up there, she would be applauding. I think that mothers and daughters and fathers and grandparents and legislators and people across the country today, the last day of the month, are saying that the last now are going to come first, and we know in our society that women have not come first. Today we are talking about the waitress. We are talking about what Mr. ANDREWS talked about, and that is the woman that heads up the office. We are talking about the Lilly Ledbetters.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. GEORGE MILLER of California. I yield the gentlewoman an additional 30 seconds.

Ms. ESHOO. So today I think that we are making the Union stronger and better by recognizing that there have been disparities and by recognizing the way we fix the disparities, and I salute those who have been on this effort for a long, long time.

America, it is a good day, July 31st, 2008, in the House of Representatives, thanks to ROSA DELAURO rewriting history, Chairman MILLER for pushing it the way he has, and thank God for the Speaker that makes all of this possible, NANCY PELOSI.

I rise today to express my strong support for H.R. 1338, the Paycheck Fairness Act and I salute Congresswoman DELAURO and Chairman MILLER for their important leadership to bring us to this day.

With the passage of the Paycheck Fairness Act the Congress will make the Equal Pay Act a more effective tool in combating gender-based pay discrimination.

Today, if an employer can name any factor that has determined an employee's pay other than gender, they can defend unequal pay in

pay discrimination cases. The employer's reason doesn't even need to be related to the job in question. Under H.R. 1338 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 with their co-workers.

Under current law women who have been discriminated against may only recover back pay or in some cases double back pay. The Paycheck Fairness Act will finally 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.

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.

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

Mr. McKEON. Mr. Chairman, I reserve my time.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Thank you, Mr. Chairman.

First let me thank Chairman MILLER for his leadership and for being such a strong supporter of pay equity and women's rights, not only today or last year, but throughout his life. Thank you, Chairman MILLER.

Also, I just have to say to my colleague, Congresswoman DELAURO, sometimes, oftentimes a lone voice in the wilderness, but today we pay tribute to the women of America, thanks to ROSA DELAURO. Thank you so much, Congresswoman DELAURO. You have been a champion for women and working families since before your career here in Congress began. So we salute you.

In 1963, and I know these statistics have been repeated earlier, but I have to say them again because it is so important to remember where we were, where we are and where we need to go, and that is what today is about. In 1963, women who worked full time made about 59 cents on average for every dollar earned by men. For every dollar earned by men in 2006, women earned about 77 cents. The wage gap has narrowed by less than half a cent per year. Clearly we 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 from the same job. African American women earn just 63 cents on the dollar, and Latinos earn far worse at 57 cents. In my own State of California, black women working full time year-round earn only 61 percent and Latinos 42 percent of the wages of white men. This is outrageous.

The wide disparity begins at the start of a woman's work life and grows

wider as women age. In the long term, combined with a decrease in pension income and Social Security benefits, which is what happens, many women are at risk of falling into poverty as they get older, because this disparity began when they first started working.

H.R. 1338 takes immediate steps to close the wage gap for all women by amending and strengthening the Equal Pay Act so that it will be a more effective tool in combating gender-based discrimination.

So let's help close that gap today. Let's stand up by making the Paycheck Fairness Act the law of the land. This should have been the law of the land many years ago. Many of us remember when we first started working and how that male counterpart in our job was making twice as much as we were making. I remember those days, and, as result of that, many women now will have less in their Social Security and their pensions.

Thank you, Congresswoman DELAURO; thank you, Chairman MILLER, for today.

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

Mr. Chairman, the gentlewoman that spoke earlier, a good friend of mine from California, said that I gave a long description of equal pay for equal job, and I thought that that is kind of what the debate was about. People keep talking about wanting equal pay for equal job. They want to have the same pay for the woman as for the man for the same job.

Now, if we are just talking about we want just women paid the same as men for whatever job, then that is kind of the figures being used. But I think most of us know, we fly a lot, the pilot usually makes more than the flight attendant. Whether the flight attendant is male or female, they are paid the same. The pilot, whether he is male or female, they are paid the same. But the pilot is not paid the same as the flight attendant. We understand that, and I think that is probably not what we are arguing about here, but it seems like that is the way the debate is going.

I support equal pay for the same job, men, women. With this bill, apparently the debate is equal pay for men and women, and I thought that is what we were talking about, because that is what the debate is. But as the gentlewoman said, that is not what this bill does.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. DAVIS), a member of our committee.

Mrs. DAVIS of California. Mr. Chairman, I rise today in support of the Paycheck Fairness Act. I also want to applaud Congresswoman DELAURO and Chairman MILLER.

When I was growing up, women only had a few career options. You could either be a teacher, a nurse, a secretary or a social worker, all very noble and

difficult professions, but which don't pay nearly enough, mostly because a disproportionate number of women still do these jobs. But when my granddaughter enters the workforce, she will be able to work in any field she wants. So we have come a long way. But we still have, as many have said, a long way to go.

The tragedy is that our daughters and granddaughters will do the same jobs as men on a number of occasions in a number of fields, but will only earn something like 77 percent of what their male colleagues earn for the same work. So despite the progress that we have made over the past four decades, many employers continue to overlook and occasionally even intentionally ignore the contributions of their female employees.

It is about transparency. That is what we are talking about today, to give women who traditionally have stood by and been hesitant about taking full credit for their hard work the tools that they need to be certain that they are recognized in the workforce for what they are actually accomplishing.

Employers must recognize all of their employees for this important work that they do and reward them with fair compensation. Unfortunately, despite what we are hearing, it is not happening on its own. Our daughters and our granddaughters need this legislation. I urge my colleagues to support it.

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

Mr. Chairman, again, it sounds like we are talking equal pay for equal work, and, again, I support that. I oppose discrimination. I support equal pay for equal job.

If we are saying that nurses should make the same as doctors, if the doctor is a female and the nurse is a male, should they make the same money? Or if the doctor is a male and the nurse is a female, should they make the same money? No. I think all nurses should make the same money. Doctors should make the same money if they are doing the same work. Not even all doctors make the same. Some surgeons make more than others, depending on their specialty, depending on what they do.

We understand that in our economy what the work does decides on what the pay is. I think if you take everybody working and divide up all of their pay, and you have more women that are serving in occupations that pay less, as my good friend just pointed out, women didn't have I guess the same opportunities in the past as they do now, and so if you took those figures and you had more women working in lower-paid fields, that is how you get the 77 percent discrepancy.

But if you took all of the same jobs, added up what they are paid, maybe 40 years ago, 50 years ago there was a lot more discrimination than now, but I think now if you look across the field and equal pay for equal job, you would

find there is, if anything, very little difference.

□ 1715

Should it be no difference? You bet. And I think you would probably find in some occupations you have women making more than men. And I guess men should probably claim discrimination in that case, but I don't think they should. I think the reason women are paid more is they are probably worth more.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Could the Chair apprise how much time I have remaining.

The CHAIRMAN. The gentleman from California has 3½ minutes.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the chairman for the priority consideration given this bill throughout, and ROSA DELAURO for her indefatigable perseverance on this bill.

This bill has not been updated for 45 years, and yet we have seen the transformation of the American workforce. It needs a 21st century makeover. I wasn't there at the birth, but I was there when I chaired the EEOC and worked with President Carter to bring the Equal Pay Act to the EEOC. The whole point of doing that was to bring this, the first of the great civil rights statutes, into line with title VII, which was passed thereafter. We have never done that. This is the first time we have done that, Mr. Chairman. That makes this an historic bill.

Seventy-five percent of women in the work force today have small children. Women are backsliding now. They are stuck on 76 cents for every male dollar. With the economy in the worst condition in a generation, women need every tool, and it is not too much to ask that they have the tool of equal rights.

Mr. McKEON. I am happy to yield at this time to the gentleman from Georgia (Mr. PRICE), a member of the committee, such time as he may consume.

Mr. PRICE of Georgia. I thank the gentleman.

Mr. Chairman, I have an amendment that I will offer to this piece of legislation. I was going to attempt to refrain from further comment on the legislation, but I think that some light needs to be shed on the discussion that has been going on here.

Equal pay for equal work is the law of the land. It is the law of the land. It has been for 45 years. What our friends on the other side want to do, and some of them have been very candid in coming down to the well and commenting about it, and that is to open up a huge opportunity for one of their grand friends, group of friends, the trial lawyers.

Now, let's be honest about this. I have here the bill that we are going to vote on, H.R. 1338, and you could go to any page but I will just pick a couple.

Page 10, lines 17 and 18. Be liable for such compensatory damages or punitive damages as may be appropriate.

Page 11, line 3. Except with respect to class actions.

Page 11, line 7. Any action brought to enforce.

Page 11, lines 13 and 14. In any action brought to recover the liability prescribed.

Page 11, line 17. Including expert fees.

Page 11, line 23. Additional compensatory or punitive damages.

Page 12, lines 2 and 3. Or such compensatory or punitive damages as appropriate.

Page 12, lines 6 and 7. Additional compensatory damages or punitive damages.

Page 12, lines 18 and 19. In the case of a class action suit brought to enforce section 60.

And it goes on and on and on.

Mr. Chairman, this issue isn't about equal pay for equal work. Equal pay for equal work is the law of the land. There isn't a single American Representative in this Chamber—I was going to say there probably isn't a single American, but I won't speak for them. But there is not a single Representative in this Chamber who believes that there ought to be unequal pay for equal work. Nobody. That is not what we are debating here.

We are debating whether this majority party, whether this Democrat majority party is once again going to bring a bill to the floor and reward their cronies in the trial bar. That is what it is. That is what it is. Take a peek at the bill. Line after line and line. That is what it is all about.

So for those of us who love our mothers and love our daughters and love our sisters, and have grandmothers and great-grandmothers who were remarkably successful in the work that they did, please don't be misunderstood; we believe strongly in equal pay for equal work. We believe strongly that this Nation stands on the principle of equal pay for equal work.

What we don't believe is that the trial bar ought to be the ones deciding what the pay ought to be in a private business. What we don't believe is that the Federal Government ought to insert itself into every single aspect of every single life of every single contract in this Nation. Should we do that, then we will destroy the greatest nation on the face of the earth.

Mr. Chairman, this bill isn't about equal pay for equal work. Equal pay for equal work is the law of the land. We all support equal pay for equal work.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, we talk about family values. And the most important way that we can show that we value families is to ensure that a woman earns a fair day's pay.

Most women work outside the home, including over 70 percent of all moth-

ers. Yet among full-time workers, women earn only 77 percent compared to men. Unequal pay practices hurt not only women but their entire families. The typical wife brings home about one-third of her family's income.

The Paycheck Fairness Act will help prevent, regulate, and reduce discrimination against women. It will prohibit employers from retaliating against employees who share salary information with their coworkers, as we saw in the Lilly Ledbetter case.

Women's work should be valued equally. This bill is an important step towards gender equality. And I thank my colleagues, ROSA, GEORGE, and many others, for their hard work on it.

Most women are in the labor force, including over 70 percent of all mothers. Yet, women continue to earn less than men even if they have similar educational levels and work in similar kinds of jobs.

A 2003 Government Accountability Office (GAO) study that I commissioned showed that when occupation, marital status, job tenure, industry, and race are accounted for, women still earn 80 cents for every dollar men earn.

Research has found that women's choices cannot explain about 40 percent of the wage gap between men and women.

Pay discrimination hurts not only a working woman, but her entire family—especially in the face of rising prices for basics, like food and gasoline.

The typical wife brings home about a third of her family's total income. Over the past three decades, only those families who have a working wife have seen real increases in family income: Families without a working wife have real incomes today that are nearly identical to what they were over 35 years ago.

Congress passed the Equal Pay Act nearly half a century ago, yet women still experience pay discrimination.

According to the National Committee on Pay Equity, working women stand to lose \$250,000 over the course of their career because of unequal pay practices.

The Paycheck Fairness Act will prevent, regulate and reduce pay discrimination for working women nationwide. It will help women become better negotiators, enforce equal pay laws for federal contractors, and require the Department of Labor to work with employers to eliminate pay disparities.

As we saw in the Lilly Ledbetter case, if a woman doesn't know how much her male colleagues earn, she cannot know that she is being discriminated against.

The Paycheck Fairness Act will prohibit employers from retaliating against employees who share salary information with their coworkers.

Women need to know the true value of the jobs that they do and this is an important step towards gender parity.

I strongly urge you to vote yes on this bill. Mr. McKEON. Mr. Chairman, I yield myself the balance of my time.

Someone on the other side said this bill isn't about equal pay for equal work, but I know others have said it is about equal pay for equal work. I have Mr. HOYER's statement here, the majority leader, and he began his statement saying equal pay for equal work. That is the principle that we are talking about.



The Paycheck Fairness Act is a clever name. Who doesn't support paycheck fairness? Unfortunately, that is not what this bill is offering.

No, Mr. Chairman. If this bill becomes law, it will make the system fundamentally unfair by putting the interests of the trial lawyers above the interests of the workers.

As I mentioned earlier, we did try to offer an amendment. I don't think it was totally out of line to think that we should maybe limit the trial lawyers working on these cases to \$2,000 an hour. But every Democrat voted against that. And then they didn't let that amendment be placed in order to discuss here on the floor. I am sorry that we weren't able to do that.

This bill will expose family businesses to unlimited liability even if there is no intentional discrimination. The Democrats' fig leaf amendment doesn't change the fact that trial lawyers stand to receive a big payday by lowering the bar on costly jury awards.

This bill will encourage class-action lawsuits, treating the EPA as a litigation factory. This bill will make it harder for businesses to defend against legal challenges, inviting unscrupulous trial lawyers. I say unscrupulous; I have many good friends who are trial lawyers, and I exclude them from that definition. But the unscrupulous ones will 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 45 years ago, as Mr. PRICE so eloquently explained. It doesn't offer working women new flexibility so that they can balance work and home.

Mrs. MCMORRIS RODGERS had a bill earlier that she wanted to present that she has never been given the chance to do so. But it would give women the opportunity to take compensatory time, the same as government workers can do now. If you work overtime, you can be paid time-and-a-half in cash; but if you want to take that time in compensatory time, we do not give people the opportunity to do that. We should do that.

It certainly doesn't do anything to bring down the price of gasoline, which is the number one issue many working families are struggling with today.

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

I yield back the balance of my time.

Mr. GEORGE MILLER of California. I yield to the gentlewoman from California (Ms. ROYBAL-ALLARD) for a unanimous consent request.

(Ms. ROYBAL-ALLARD asked and was given permission to revise and extend her remarks.)

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in strong support of the Paycheck Fairness Act.

Forty-five 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, contributing to the illusion women have indeed reached parity in the workplace.

That illusion is created by such events as the historic election of the first woman Speaker of the House, and by increased numbers of women heading Fortune 500 companies.

The reality is, however, that in spite of these achievements women have not reached wage parity.

Pay inequality is perhaps the most glaring example of how women continue to be discriminated against.

Despite enactment of the Equal Pay Act in 1963, today women doing the same work earn only 77 cents to every dollar earned by their male counterparts.

This unfairness often has devastating economic consequences to a woman, especially upon retirement, when pensions and Social Security benefits are based on her life earnings.

This disparity often costs 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 vote "yes" on the Paycheck Fairness Act because it will close loopholes that often destroy the economic security of women.

Mr. GEORGE MILLER of California. Mr. Chairman, we have come to the end of a long debate, but let's get something very clear. This is all about equal pay, and this is all about whether or not women are going to receive equal pay. What this legislation does is recognize the barriers that have been put up in front of women trying to enforce the existing law.

It is rather interesting that the Secretary of Labor sent us a letter, and in her random audits of businesses working with government contractors she found systematic discrimination and she collected \$51 million, and this is a record year, and it is the third record year in a row because of systematic discrimination.

Now, everybody has come to the floor and said they are all against this discrimination. Yes, we all are against that. Nobody is suggesting that anybody isn't. But if you can't enforce your rights, then you suffer the discrimination. Random audits, \$51 million was denied to these individuals. And these are just people working with government contractors. Think what it is nationwide, and the people don't get a random audit, they don't get the Secretary of Labor, they don't get the Department of Labor. What they get is discrimination in their pay. That is what they get.

Today, we are going to decide whether or not these women are going to be able to collect the pay that is owed them, whether they are going to be able to enforce the law that requires as a matter of national policy and law the equal pay for women. That is the issue here. It is not complicated. It is not complicated.

Study after study has determined that pay discrimination exists whether

you are in the workforce 10 years, whether you are starting out in the workforce, no matter what your life experiences are. When they control for all of that, there still is discriminatory pay against women in the American workforce, and today this House is going to change that.

Mr. LEVIN. Mr. Chairman, I rise in strong support of H.R. 1338, the Paycheck Fairness Act.

In 1963, President Kennedy signed the Equal Pay Act into law in order to promote workplace equality for women. Since then, women have made great gains in workforce participation, compensation, and advancement, but a significant wage gap still exists between women and men. Women working full-time year-round earn on average 77 cents for every dollar earned by a man. The wage gap is even wider in Michigan: On average, women in Michigan are paid only 67 cents for every dollar earned by a man.

Wage discrimination is not just a women's issue—it is a family issue. With a majority of American households depending on two incomes to make ends meet, the wage gap is more relevant than ever. The current pay disparity may cost a woman anywhere from \$400,000 to \$2 million in lifetime earnings relative to a man performing equivalent work. The cost is often borne not just by an individual, but by all the members of the household who rely on that income. Congress must respond to this injustice.

The Paycheck Fairness Act updates and strengthens the Equal Pay Act in light of more than 45 years of real-world experience. Courts have interpreted the Equal Pay Act more narrowly than other employment discrimination laws, counter to the intent of Congress. The Paycheck Fairness Act clarifies that the factors used by employers to justify wage disparities must be related to the employee's work or to the business. The bill also redefines the standard for comparing employees' compensation, reducing a frequently prohibitive burden of proof for plaintiffs.

Data collection is key to tracking women's relative compensation in the workplace, but the federal agencies charged with enforcing employment discrimination laws have little information about wage disparities. The Bush administration, furthermore, has halted or tried to halt many efforts to collect data. The Paycheck Fairness Act ensures that the Bureau of Labor Statistics will collect data on wage disparities, and it requires the Equal Employment Opportunity Commission to offer guidance in order to enhance enforcement of federal law. These measures will help shed light on wage discrimination that would otherwise go unseen.

This legislation takes vital steps toward realizing the goals established 45 years ago in the Equal Pay Act. I urge my colleagues to join me in supporting the bill.

Mr. DAVIS of Illinois. Mr. Chairman, the House of Representatives passed H.R. 1338, the Paycheck Fairness Act, sponsored by Representative ROSA L. DELAUNO (D-CT). H.R. 1338 amends the Equal Pay Act, one of the primary laws addressing pay discrimination. Since becoming law, loopholes and weak remedies have made the Equal Pay Act less effective in combating wage discrimination. The Paycheck Fairness Act, strengthens and improves the effectiveness of the Equal Pay Act.

There should be little doubt that such improvements are necessary. More than four decades after the enactment of the Equal Pay Act, women still make only 77 cents for every dollar made by their male counterparts, a wage disparity that cannot be explained by differences in qualifications, education, skills, training, responsibility, or life choices. Rather, in many cases, the pay differential has resulted from unlawful sex discrimination.

The consequences of this discrimination are severe and predictable. The pay disparity forces single-mother households and families dependent on two wage earners to live on less than they rightfully deserve, while simultaneously reducing women's retirement earnings. In short, unfair pay disparities perpetuate women's economic dependence and deprive them of economic opportunity and equal protection of the laws.

The Paycheck Fairness Act provides for compensatory and punitive damages only "as appropriate," with no further limitation or arbitrary cap being necessary. The modest provisions for compensatory and punitive damages in the Paycheck Fairness Act bring remedies for victims of sex-based wage discrimination in line with those available for victims of wage discrimination based on race and national origin.

I want to take this opportunity to thank Chairman MILLER, and Subcommittee Chairwoman WOOLSEY and Congresswoman DELAURO for championing this important wage discrimination legislation.

Mr. KUCINICH. Mr. Chairman, the Paycheck Fairness Act is an important step in eliminating the gap that exists between the compensation of men and women, a gap that has existed for decades and persists to this day despite the gains made by women.

Among other things, the bill will close a loophole that some employers exploit to avoid compensation discrimination lawsuits, and will put gender discrimination on a par with other types of discrimination.

Men and women are equally important to the health and vitality of the American economy, and it is high time that compensation reflect this fact.

Women who work full time continue to make roughly 25 percent less for equal work and with equal qualifications to their male counterparts.

This means that a woman makes significantly less money based on one single factor: Her sex. This is sexist, unconscionable and discriminatory.

This discrimination impacts women in their struggle for economic independence, and their ability to care for their families and themselves. It continues to promote the backward thinking that undervalues and devalues women in the United States and around the world.

I support H.R. 1338 because I believe it moves us in a direction that closes the discriminatory wage gap. It is long overdue.

I look forward to the day when everyone in the labor force is treated equally.

I urge my colleagues to support this important bill.

Ms. SCHAKOWSKY. Mr. Chairman, I rise today in strong support of H.R. 1338, the Paycheck Fairness Act. I am an original cosponsor of this bill because I believe it is time that we end gender discrimination in the workplace.

The Paycheck Fairness Act addresses one of the most evident and detrimental aspects of gender discrimination: Wage disparity. As we know from the U.S. Census Bureau, women across the country earn, on average, only 77 cents for every dollar a man receives for the same work. That 23-cent difference can add up to between \$400,000 and \$2 million over a working lifetime. In Illinois, where the average working woman earns 75 cents for every dollar earned by a man, the wage gap and the cost to women are even larger.

In today's economy, wage discrimination hits women particularly hard, whether they are the heads of households or the second or even third wage earner in a family. With higher food, energy, health care, transportation and housing costs, women are struggling to stretch every dollar in order to meet their family's needs. Wage discrimination unfairly shrinks those dollars, especially for women of color and self-employed women who suffer from a higher-than-average wage gap. It deprives women of dollars that they have earned but, because of the paycheck gap, do not get.

While there are many economic arguments for H.R. 1338, there are other considerations as well. I urge my colleagues to consider the views of the American Psychological Association, which argues that wage discrepancies create economic disadvantages that "affect the psychological and physical health of women and their families." As the APA says, "The link between depression and low-income women can be attributed to increased stress caused by living in poverty, as well as minimal social support. Additionally, low-income pregnant women receive less prenatal care, and are more likely to deliver low-birth weight babies."

We should pass H.R. 1338 to ensure that women are fairly paid for their work, not economically disadvantaged because of their gender. We should pass H.R. 1338 because it will help families deal with the current economic crisis. We should pass H.R. 1338 because it will have positive health impacts for women and families. It is the right thing to do, and I urge my colleagues to support it.

Mr. STARK. Mr. Chairman, there is no excuse for the wage gap that still exists between men and women in today's workforce. Equalizing wages will provide women with equal pay for equal work and improve the standard of living for millions of American families. That is why I rise today in strong support of H.R. 1338, the Paycheck Fairness Act.

The need for the reform of the Equal Pay Act (EPA) is obvious. More than four decades after Congress enacted it, hard-working women still earn only 77 cents for every dollar made by men. This is certainly an improvement over the 58 cents women earned when the EPA was passed in 1963, but it is hardly enough. And it still will not be enough when the day comes that women earn 99 cents for every dollar that a man earns. "Equal" is not a word that allows room for negotiation, and nothing short of women being paid the same wages as men should be acceptable.

We are here today to vote for the Paycheck Fairness Act for the fourth time since it was first introduced in 2005. That is three times too many. We took jobs as Representatives of the House with the promise to represent our constituents to the best of our ability. I don't see how it is possible to do that when we neglect to ensure that something as basic and fun-

damentally important as fair pay is granted to the working women of our districts.

The Paycheck Fairness Act contains the tools necessary to achieve EPA's goal. It will increase penalties for employers who pay different wages to men and women for equal work, require employers to prove that payment disparities among men and women are job related and consistent with business necessity, and protect employees from retaliation after sharing salary information.

In a country that prides itself on equality for all, it is unconscionable that women who do the same work as men receive less pay. I urge my colleagues to bring the "fairness" back into the workplace by supporting the Paycheck Fairness Act.

Mr. CONYERS. Mr. Chairman, I rise today in support of H.R. 1338, "The Paycheck Fairness Act." This legislation will help our Nation take 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 2008, 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. 1338 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. 1338 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 is necessary for the business;

Prohibit employers from retaliating against employees who discuss or disclose salary information with their co-workers. However, employees such as HR personnel who have access to payroll information as part of their job would not be protected if they disclose the salaries of other workers;

Strengthen 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;

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

Enhance the collection of information on women's and men's wages in order to more fully explore the reasons for gender-based wage gap and to assist employers in their efforts to rectify pay disparities; and

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



Mr. Chairman, I was shocked when I heard last year about the case of Lilly Ledbetter, the Goodyear Tire plant employee who suffered from pay discrimination for nearly two decades. After learning that she had been victimized by her employer, she brought an Equal Employment Opportunity Commission complaint against Goodyear. Unfortunately, a majority of our anti-worker, pro-corporate Supreme Court denied her claim, ruling that employees can only file a wage-discrimination complaint within 180 days of a discriminatory payroll decision. Ms. Ledbetter, a clear victim of discrimination, was left without recourse in a country founded on a respect for the rule of law. For this, we should be ashamed.

Mr. Chairman, I believe that our courts are our last line of defense when it comes to protecting the fundamental rights enshrined in our Constitution and in our civil rights laws. With our marketplace and court systems unwilling to correct obvious injustices, we need a legislative solution that will ensure that the universal values of fairness, respect, and decency continue to be a part of the American workplace. To this end, I urge my colleagues to step up for "equal pay for equal work" and pass H.R. 1338.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise today in strong support of H.R. 1338, the Paycheck Fairness Act.

It has been 45 years since the passage of the landmark Equal Pay Act of 1963, and while pay disparities have narrowed, a strong wage disparity still exists. In fact, according to the U.S. Census Bureau women still make only 77 cents on the dollar to their male counterparts.

We cannot deny that this gender disparity exists, and it is essential that we close the loopholes that allow it to continue. The Paycheck Fairness Act helps close these loopholes by increasing enforcement and accountability in cases of discrimination. This bill provides relief for women who face retaliation for standing up for equal pay, and it requires the Department of Labor to increase their effort to end pay disparities.

This is not only a bill for women, but a bill for children and families. For the millions of working mothers in America—many of whom are heads of households—it offers financial stability. This wage disparity is costing women between \$400,000 and \$2 million over a lifetime.

Lower wages factor into long-term financial planning. Retirement and Social Security is based on income. Retirement aged women today are far less likely to receive a pension, and rely on Social Security benefits to survive. The wage discrimination women are facing today will continue to follow them well into retirement.

We cannot continue to simply accept this disparity, and the Paycheck Fairness Act is a strong statement that this type of discrimination will not be tolerated. I would like to thank Congresswoman DELAURO for offering this important piece of legislation, and commend Chairman MILLER and the Democratic leadership for bringing this bill to the floor.

Mr. DINGELL. Mr. Chairman, I rise today in strong support of H.R. 1338, the Paycheck Fairness Act. My dear friend and colleague, Representative ROSA DELAURO, has worked for more than ten years on this legislation to close the disparate pay gap between men and women. I thank her for her tireless efforts.

President Kennedy signed the Equal Pay Act 45 years ago. I, like many others, am left scratching my head, wondering why the wage gap has narrowed by less than half a cent a year. Today, women earn only 77 cents for every dollar earned by men, compared with 59 cents on the dollar in 1963. At this rate, it would take another 50 years to reach parity between men and women. I am proud to be a cosponsor of H.R. 1338, which builds on the progress of the Equal Pay Act by improving legal recourses for women who are being discriminated against in the workplace, providing more effective remedies for claiming punitive and compensatory damages—bringing them in line with those for race or national origin discrimination, demanding from employers a business justification for a gender-based pay difference, and prohibiting employers from retaliating against employees who share salary information with their co-workers.

As a husband, father of daughters and grandfather of granddaughters, closing the pay gap is an issue I care deeply about. After cosponsoring the Paycheck Fairness Act for nearly a decade, I am pleased to be finally able to vote in favor of it here on the House Floor.

Over the years, I have studied the pay gap in depth. Representative CAROLYN MALONEY and I have commissioned two Government Accountability Office studies on the matter. The conclusion we have come to is sad and disappointing, that even when controlling for all factors, women simply lag behind men. This is most certainly not because women work less hard than men—we know nothing could be further from the truth. Yet, something is keeping women behind. This is why I am also a cosponsor of the Equal Rights Amendment, which is a long overdue amendment to the Constitution to finally give women the standing necessary to address their grievances.

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. RICHARDSON. Mr. Chairman, I rise in strong support of H.R. 1338, the Paycheck Fairness Act.

I would like to acknowledge our colleague, Representative ROSA DELAURO (D-CT), for her leadership on this issue and for bringing this bill to the Floor.

Kofi Anan once said "When women thrive, all of society benefits, and succeeding generations are given a better start in life." In a period of tough economic times, this bill and this quote could not be timelier or more relevant. Despite the passage of the Equal Pay Act in 1963 women still earn only 77 cents for every dollar that men earn. In a society where women are increasingly the heads of households, pay inequity harms not only the individual woman but her children and other family members as well.

H.R. 1338 increases the penalties for gender discrimination, and puts gender discrimination sanctions on equal footing with other

forms of wage discrimination, including those based on race, disability, or age. The bill prohibits employers from retaliating against employees who share salary information with their co-workers. The fact of the matter is that, for every woman who comes forward and speaks out against pay discrimination, there are scores of other women who remain silent for fear of retaliation. This legislation sends a strong message to women that their elected officials recognize the discrepancy in pay and are doing everything in their power to remedy pay discrimination.

In closing, I would like to quote Betty Friedan, world renowned feminist and author of the book *The Feminine Mystique*: "A girl should not expect special privileges because of her sex but neither should she adjust to prejudice and discrimination." There is no room in this society for gender discrimination, which harms the greater community because when we uplift one segment of society, we uplift our entire society.

For all the single mothers, working mothers, and young women entering the workforce, I lend my full support to H.R. 1338, the Paycheck Fairness Act.

This is a sound piece of legislation, a critical piece of legislation, and I encourage all of my colleagues to support H.R. 1338, the Paycheck Fairness Act.

Mr. VAN HOLLEN. Mr. Chairman, I rise in strong support of the Paycheck Fairness Act—for the basic promise of equality it upholds for America's women and the faith it keeps with the best of who we are as a nation.

The Equal Pay Act was passed in 1963 to enshrine into law the basic principle of equal pay for equal work.

Forty-five years later, we are here today because American women still only make \$77 cents for every dollar a male counterpart earns when performing equal work. Worse, African-American women earn only \$.66 on the dollar, and Hispanic women a mere \$.55.

This continued and persistent wage gap between men and women cannot be explained by differences in education, qualifications or experience. It is both unacceptable and un-American. And it must stop.

The Paycheck Fairness Act will move us towards our ultimate goal of eliminating wage disparity in the United States by clarifying that any employer's decision to pay a male employee more than a female employee must not be based on gender, must be job-related and must be consistent with business necessity. To avoid a repeat of the facts presented to the Supreme Court in the *Ledbetter v. Goodyear Tire and Rubber* case, this legislation also prohibits employers from retaliating against employees who discuss or disclose salary information with co-workers. And it strengthens the remedies made available to women who have been subjected to gender-based wage discrimination.

Mr. Chairman, in closing, I want to recognize my good friend and colleague ROSA DELAURO for her tireless leadership on this legislation. We owe it to our mothers, wives, sisters and daughters to pass it without delay.

Mr. LANGEVIN. Mr. Chairman, I rise in strong support of H.R. 1338, the Paycheck Fairness Act, which would narrow the wage gap between men and women. As a cosponsor of this bill, as well as a cosponsor in previous Congressional sessions, I am pleased to see this legislation finally debated on the House floor.

H.R. 1338 would 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. Chairman, I urge my colleagues to support this bill so that women like Lilly Ledbetter do not have to argue their case for equal pay all the way to the Supreme Court, so that single mothers do not have to worry whether or not they are being treated fairly by their employers while they provide for their children, and so that daughters entering college can reach their full potential when they graduate.

Finally, I would like to thank my friend Congresswoman DELAUNO for her many years of leadership on this issue, as well as inspiring women of all ages across our country.

Mr. HONDA. Mr. Chairman, I rise today to speak in very strong support of H.R. 1338, the Paycheck Fairness Act. The Equal Pay Act of 1963 was a critical step forward in the ongoing struggle for equal rights for women. The time has come to make common sense adjustments to the act in order to make it more effective in fighting gender-based employment and pay discrimination.

The American dream is undermined daily as women are denied equal pay for their work. Improvement has come too slowly over the past 45 years, with women's wages rising from 59 cents for every dollar earned by a man in 1963 to 77 cents per every dollar earned by a man in 2008. This gap is even worse for minority women, with Latinas earning 52 cents to every dollar—the least of all racial and ethnic minorities as compared to white men. The Paycheck Fairness Act will facilitate the achievement of equal pay between the sexes.

A 2003 study by the U.S. Government Accountability Office found that when all the key factors that influence earnings are controlled for—demographic factors such as marital status, race, number and age of children, and income, as well as work patterns such as years of work, hours worked, and job tenure—there is a 23 percent pay gap between women and men that cannot be explained or justified.

Women now comprise 59 percent of the work force, compared to about one-third when the Equal Pay Act was first passed. All working people deserve the same opportunities to succeed professionally and personally. The Paycheck Fairness Act will solidify our commitment to this equality and bring us closer to achieving the ideals put forth in so long ago in the Equal Pay Act of 1963 by closing loopholes in the law that have allowed employers to evade liability, providing tools to improve outreach and training efforts to work with employers, strengthening the negotiation skills of girls and women, and enhancing the collection of information on women's and men's wages.

It is simply unacceptable that in the past 40 years the wage gap has narrowed by less than 20 percent. We have the opportunity to aid millions of American workers to achieve the American Dream, and so I am proud to support H.R. 1338.

Mr. GENE GREEN of Texas. Mr. Chairman, as cosponsor of this legislation for multiple Congresses, I rise in strong support and urge my colleagues to join me in supporting the Paycheck Fairness Act.

This legislation would take meaningful steps to empower women to negotiate for equal pay, to create strong incentives for employers to follow the law, and to strengthen federal outreach and enforcement efforts.

According to the 2006 Census Bureau, women still earned only about 77 percent as much as men did. Women of color were worse off—African American women made 66 cents on the dollar compared to the highest earners, white men, while Hispanic women made only 55 cents. As a result, according to the Institute of Women's Policy Research, working women stand to lose anywhere between \$400,000 and \$2 million dollars over the course of their career because of unequal pay practices. While women's wages and educational attainment have been rising, there is still a sizeable gender wage gap. Only a portion of the difference in pay can be explained by experience, education, or qualifications.

Using data collected by the Bureau of Labor Statistics and the Census Bureau between 2004–2006, my own state of Texas ranked 7th in the nation in gender based wage equity, with women earning on average 80.7 percent of what their male counterparts earned. Although this is slightly better than the national average, it is obvious that there is still work to be done. At the current rate of wage growth for men and women in Texas, the National Committee on Pay Equity estimates that it will take another 38 years before this wage gap is closed.

It is well past time for something be done to close the gender wage gap so that men and women have the same opportunity to a decent working wage. The original Equal Pay Act signed by President Kennedy 45 years ago called for “equal pay for equal work”. Although it has come a long way, the fight for equal pay and treatment is still an ongoing struggle.

The Paycheck Fairness Act would help address these conditions by amending and strengthening the EPA, so that it will be a more effective tool in combating gender-based pay discrimination. H.R. 1338 will close numerous loopholes in the 45-year-old law that has enabled employers to evade liability. It will also create a new grant program to help strengthen the negotiation skills of girls and women.

Congress must pass this legislation to help ensure that this goal becomes a reality, and I urge my colleagues to join me in supporting H.R. 1338.

Mr. HARE. Mr. Chairman, I rise today in strong support of H.R. 1338, the Paycheck Fairness Act of which I am a proud cosponsor.

Every April I participate in “Equal Pay Day” with my friend, Representative ROSA DELAUNO, and other colleagues. This is the time of year when wages paid to American women “catch up” to the wages paid to men from the previous year. In other words, because the average woman earns less, she must work longer for the same amount of pay. The legislation before us today addresses this unacceptable reality.

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, creating serious economic security concerns.

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 build economic and retirement security for women.

It is in the best interest of all Americans to ensure that every worker is treated fairly and I urge my colleagues to support this bill. I commend Ms. DELAUNO for introducing the legislation and for her leadership on this issue over the past decade.

Ms. HIRONO. Mr. Chairman, I rise in strong support of H.R. 1338, the Paycheck Fairness Act. This legislation is needed to strengthen the Equal Pay Act of 1963. I thank Congresswoman ROSA DELAUNO for sponsoring this bill and fighting for its passage year after year and Chairman GEORGE MILLER for championing this bill through the committee and on the House floor.

The Paycheck Fairness Act has garnered tremendous support from 230 cosponsors and over 200 national, state, and local organizations. While the Equal Pay Act was intended to prevent pay discrimination in the workplace, 45 years after it was signed by President Kennedy, women, and especially women of color, continue to take home significantly less pay than men for the same work. Single women and female heads of households fare the worst in the current system. These women earn less than their male colleagues during their careers, which in turn adversely affects their ability to save and accrue retirement benefits.

As a representative of the second Congressional district of Hawaii, I have the great honor and responsibility of continuing the important work of my predecessor, Patsy Takemoto Mink. Congresswoman Mink's personal struggles as a woman in a culture dominated by men inspired her to work tirelessly for equal rights for women and girls. She faced obstacles in pursuing her education and career, but she was not deterred—instead, she broke down barriers, becoming the first Japanese-American woman admitted to the bar in Hawaii and the first woman of color elected to national office in this country when she was elected to the U.S. House of Representatives in 1964. Today, women continue to break down barriers in the workplace, but they still receive only a fraction of the pay men receive for the same work.

Although the Equal Pay Act of 1963 was passed to prevent pay discrimination based on sex, the law clearly has not had the intended result, even after 45 years. Women still make only 77 cents for every dollar earned by men for equal work. This bill will strengthen enforcement of the law, thereby fulfilling its intended purpose.

I strongly urge my colleagues to stand up for the right of women to receive equal pay and support the Paycheck Fairness Act.

Mr. BACA. Mr. Chairman, I rise in support of H.R. 1338 and I want to thank Congresswoman DELAURO for her leadership on this important bill.

She has fought for paycheck fairness for women during every Congress for the past decade and should be commended for her tenacity.

We are a nation with a constitution and bill of rights.

It is sad to admit that in a country as prosperous as ours, women only earn 77 cents to every dollar that men earn.

It's even worse for minority women: with African American women earning 66 cents to the dollar of Latinas earning 55 cents to the dollar.

This bill corrects this injustice by making it illegal for employers to pay unequal wages to men and women who perform equal work.

In 1923, women's suffragist Alice Paul, wrote the Equal Rights Amendment which would guarantee "equal justice under law" to all citizens. I was proud to sponsor a bill that would honor Alice Paul with a congressional Gold Medal for her heroic leadership in fighting for the ERA and in working to achieve women's right to vote. My bill, H.R. 406 passed the house with 406 cosponsors, a historic record of support! While the ERA was never ratified, the Paycheck Fairness Act brings us closer to achieving its intent.

Wage discrimination keeps women down and harms the overall economy. It also represents the worst of America. We must confront discrimination head on and ensure that all Americans, regardless of gender, receive equal pay for equal work.

Mr. GEORGE MILLER of California. I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 1338

*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) 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 Employment Opportunity Commission to their responsibilities, increased information about the provisions added by 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"; and

(3) by inserting at the end the following:

"(B) The bona fide factor defense described in subparagraph (A)(v) 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) APPLICATION OF PROVISIONS.—Section 6(d)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)(1)) is further amended by adding at the end the following: "The provisions of this subsection shall apply to applicants for employment if such applicants, upon employment by the employer, would be subject to any provisions of this section."

(c) 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 in an investigation conducted by the employer, 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) or 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."

(d) 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 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”.

(e) **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,” before “and the agreement”;

(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”;

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

(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 11, 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 this Act.

(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, 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.

There are authorized to be appropriated \$15,000,000 to carry out this Act.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110-807. Each amendment shall be considered only in the order printed in the report; by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MS. BEAN

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110-807.

Ms. BEAN. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Ms. BEAN:

Page 8, line 23, strike “(b) APPLICATION OF PROVISIONS” and all that follows through page 9, line 4.

Page 9, line 5, strike “(c)” and insert “(b)”.  
Page 10, line 12, strike “(d)” and insert “(c)”.

Page 11, line 18, strike “(e)” and insert “(d)”.

The CHAIRMAN. Pursuant to House Resolution 1388, the gentlewoman from Illinois (Ms. BEAN) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentlewoman from Illinois.

Ms. BEAN. Mr. Chairman, I rise today to offer an amendment to H.R. 1338, the Paycheck Fairness Act.

First, I would like to acknowledge the leadership of Congresswoman ROSA DE LAURO, Chairman MILLER, and so many others in our Congress who worked long and hard to address the issue of pay equity. Having worked 20 years in the private sector before coming to Congress, where I am now uniquely guaranteed equal pay, along with all Members who are Representatives, I understand the significance of this legislation before us today.

The amendment I am offering would strike section 3(b) titled Application of Provisions from the Underlying Bill. In doing so, this amendment would prevent the expansion of the Equal Pay Act to include job applicants.

□ 1730

Under the current Equal Pay Act, only employees can raise a claim on pay discrimination. However, the underlying bill, in its current form, would, for the first time, allow job applicants to file suit, even if they do not accept a position for pay discrimination under the act. This is a significant expansion of the act, especially in the context of a bill that is otherwise focused on strengthening existing rights already provided to employees under the Equal Pay Act.

While in principle I oppose expanding the Equal Pay Act rights to applicants, the very nature of extending these rights to applicants leads to several practical complications. The bill is unclear on how to deal with those complications.

For example, H.R. 1338 fails to clarify for employers how long they would be liable to an applicant who is offered lower wages than an individual subsequently hired. First, there is no certainty that that initial offer is representative of what a negotiated final offer might have been.

In addition, if an employer originally offers a job at, say, \$10 an hour, but raises the offer to \$12 a few months later because she was unable to find a qualified applicant, is the employer potentially liable to every prior applicant of the opposite sex? How far back would that liability extend?

Even more concerning is that without better defined rules for how applicants would be covered under this act, employers might be deterred, out of an abundance of caution, from raising the salary offered for a job opening when they are unable to initially fill a position.

For these reasons, and others, I believe this bill should be narrowed to provide protections to employees, not applicants, in keeping with the original structure of the Equal Pay Act.

It is important to note, if this provision is struck, applicants would continue to have protections under title VII, which also protects against discrimination. And if job applicants who are offered lower pay than a male counterpart were to accept a job, they would be protected by the underlying bill and eligible to file a claim for any pay discrimination as an employee.

Mr. Chairman, I urge my colleagues to support my amendment, and if my amendment is adopted, I urge them to support final passage of the underlying bill.

I yield back the balance of my time.  
Mr. McKEON. Mr. Chairman, I claim the Republican time to speak on the amendment.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

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

I will not oppose the gentlelady's amendment, but I wish to make clear, as with the other Democratic amendments to this bill that we are likely to

debate today, this amendment makes the most minor of improvements to a fundamentally flawed bill. I will not oppose the amendment, but its adoption does not change my strong opposition to the underlying bill.

As I understand the gentlelady's amendment, it would strike from the underlying bill a provision which would extend the Equal Pay Act to cover not only employees, but even applicants for employment. I agree that striking this provision is the right thing to do.

Under current law, and since 1963, the Equal Pay Act has required that employers pay equal wages earned for equal work performed. It is hard to imagine how the law was ever meant to cover the payment of wages which have not yet been earned for work that has not yet been done. Frankly, the provision should not have been included in the bill in the first place, and I support its deletion.

That said, I stress again that this change is, at best, cosmetic and too little too late to address the fundamental flaws in the underlying bill. Put more simply, this amendment is the equivalent of putting lipstick on a pig. At the end of the day, it doesn't change things much.

You know where I got that from.  
I will not oppose the amendment, but I remain opposed to the bill.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Illinois (Ms. BEAN).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. PRICE OF GEORGIA

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110-807.

Mr. PRICE of Georgia. Mr. Chairman, I have an amendment made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. PRICE of Georgia:

Page 12, after line 20, insert the following:

(f) CONDITIONAL IMPLEMENTATION.—

(1) CONDITIONAL EFFECTIVE DATE.—Subject to subparagraph (3), this section and the amendments made by this section shall become effective on the date that is 90 days after the Secretary transmits to Congress the report required under subparagraph (2).

(2) STUDY ON RECRUITMENT AND HIRING OF EMPLOYEES.—The Secretary shall conduct a study to determine the effect of the requirements of this section and the amendments made under this section on the ability of employers to recruit and hire employees irrespective of gender, and not later than 90 days after the date of enactment of this Act, shall transmit to Congress a report containing the findings of such study.

(3) DETERMINATION BY SECRETARY.—This section and the amendments made by this section shall not take effect if the Secretary finds that the requirements of this section may significantly hinder employers' recruitment and hiring of employees irrespective of gender."

The CHAIRMAN. Pursuant to House Resolution 1388, the gentleman from

Georgia (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, this amendment makes implementation of the new wage discrimination provisions in this bill contingent upon a study that demonstrates that these provisions do not hinder recruiting and hiring.

Equal pay for equal work, as has been mentioned multiple times today, is the law of the land. It is now and it has been since the passage of the Equal Pay Act in 1963. And generally, businesses do a tremendous job paying employees fairly, regardless of gender.

But the plan before the House today treats wage discrimination as systemic. Consequently, the conclusion of the majority party is to take this measure and turn power over to bureaucrats and to trial lawyers to interject, distort and oversee how wages are determined through lawsuits and regulations. If this happens, employment opportunities may actually become more limited, and flexible job structures may become more scarce or a thing of the past. In short, the very real problem that this legislation attempts to correct may, in fact, exacerbate others, very real challenges, already facing American workers.

With these reforms, there would be less incentive for employers to offer a variety of working situations like flex time or more limited travel if doing so puts an employer at risk of being sued, and this bill would do that.

Such rigidity and limitations means increased expenses for employers. Current and prospective workers then suffer through lower wages and slower job creation, or simply fewer opportunities to meet individual workers needs. Overall, it may prove to be a drag on the economy by adding additional friction to labor markets.

This amendment calls on the Secretary of Labor to study the impact of these new wage discrimination provisions on the ability of employers to recruit and hire employees, regardless of gender.

A strong contention, I believe, can be made that these changes will have a detrimental effect on labor markets, increased lawsuits, unlimited damages may discourage hiring and perhaps further segregate employment preferences for one gender in favor of another.

In order to determine this, the Secretary should have time to quantify and evaluate the bill's impact on recruitment and hiring decisions. This is information that everyone should want, I believe, in this House, prior to voting on an implementation of this bill. If there is no harm to job creation, then these provisions would go forward.

All that this amendment is asking is 90 days for the Secretary to undertake an informed review. The impetus for this bill's passage shouldn't rest on faulty comparisons of male and female

median annual earnings that do not take into account all sorts of things, such as education or experience or occupation.

Mr. Chairman, equal pay for equal work is already the law of the land. The revisions before us today are a departure from this standard, and may radically alter how labor markets work through increased litigation and regulation. If that happens, it is best for all of us to have a clear understanding of its impact beforehand.

I urge adoption of the amendment.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

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

Mr. ANDREWS. Mr. Chairman, I am opposed to this amendment because I believe it gives veto power over this legislation to the Secretary of Labor.

The premise of this amendment is we need to study more and let the Secretary of Labor decide whether we need stronger legal protections for women to earn equal pay for equal work. I don't think we need to study it at all. I think the fact that women are earning 77 cents for every dollar that a man earns is evidence of why we need this law.

I think the fact that 10 years out of college, when you adjust for different family factors such as child rearing, that women are earning, on the average, 12 percent less than men in similar professions shows that we need this law.

I think the fact that studies have shown that women are shorted millions of dollars, anywhere from \$400,000 to \$2 million over a lifetime because of inadequate enforcement of the law for equal pay for equal work, I think it makes it crystal clear that the idea of subordinating our responsibility and giving the Secretary of Labor the opportunity to subvert what we are doing here today is unjustified and unwarranted.

So I would urge the defeat of this amendment because I believe it is unnecessary, and I think it substitutes the judgment of the Secretary of Labor for the judgment of the elected representatives of the people. We should defeat this amendment, support this bill.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the distinguished chairman for yielding and rise to oppose the amendment and in support of the Paycheck Fairness Act.

Today, this House moves America's working women into the 21st century. And, in so doing, I believe it is important to place on the record the story of our mother, Anastasia, who when she began work back in the middle of the

last century as a counter waitress as Liberty Lunch on Broadway in Toledo, Ohio did not even earn the minimum wage. That was made possible only by the Fair Labor Standards Act passed in 1938. But even when that Act passed, her boss would then cash her check and deduct the increase from her, and pocket it himself.

I am privileged that I now, as a Congresswoman, came from a family that did not spare its children the story of hardship and struggle that still characterizes the lives of millions of women in our country today. In passing this act, I do so in memory of our mother and millions and millions of American women who ask only to be treated fairly in the workplace and earn equal pay for equal work and get that check.

It is a commentary on the struggle of working people everywhere that it takes a Nation centuries to enact into law what is decent and right on the merits. Today we do what is morally right and economically just. Today we give America's working women a real dose of liberty.

Mr. Chairman, I thank you for yielding me time today, oppose this amendment but strongly support this measure.

Mr. PRICE of Georgia. How much time remains, Mr. Chairman?

The CHAIRMAN. The gentleman from Georgia has 2 minutes. The gentleman from California has 2½ minutes.

Mr. PRICE of Georgia. I will reserve.

Mr. GEORGE MILLER of California. I would just join in what my colleagues have already said, that I don't think this needs further study. And I think, certainly, the idea of basing whether or not this law will be enacted on a single study by this Secretary of Labor within 90 days, when we have a decade of studies, very few that have been challenged for their accuracy, that continues to tell us that, while the situation has improved, we still have this huge disparity between the pay of men and women for the same jobs, for the same responsibilities.

And this legislation is designed to rid us of that disparity. It is designed to rid us of that discrimination, and it is designed to give women the tools that they need to go in and to enforce their rights. And I would hope that we would support this legislation, that we would reject this amendment.

I yield back the balance of my time.

Mr. PRICE of Georgia. I would just say to my friend from Ohio, who I see is off the floor, but the egregious example that she gave, all of us agree is wrong, and it is already illegal. It is not addressed with this act. Equal pay for equal work is already the law of the land.

This amendment asks for a 90-day study by the Secretary to determine whether there are adverse effects on hiring and recruitment of employees. It is a simple amendment, commonsense amendment.

With that, I am pleased to yield to my friend from California for such time as he may consume.



Mr. McKEON. I thank the gentleman for yielding.

I think that we have heard in this debate today, 70 percent, 77 percent, over and over and over and over. And when we had a hearing last year, we had a lot of different figures that were given. It seems to me that it is important to have an outside source look at this, and I think the Secretary of Labor should do this study so that we don't do more harm than good.

I think this is a good amendment. I thank the gentleman for offering it, and I urge support of the amendment.

Mr. PRICE of Georgia. I thank the gentleman for his comments. I would just say in closing that, in fact, there is evidence that, in fact, 70 cents on the dollar may not be an accurate figure. I don't know what the accurate figure is. But I do know that there is disagreement about what it is.

I would like to put into the RECORD an article from Independent Women's forum talking about just that.

As such, I believe that a study is indeed appropriate. That is all that the amendment does, requests a study, 90-day study, and then report back and move forward if there is no evidence of difficulty in hiring and recruitment.

A BARGAIN AT 77 CENTS TO A DOLLAR

[From Independent Women's Forum, April 3, 2007]

(By Carrie L. Lukas)

Why are politicians again championing the Equal Rights Amendment—newly minted as the Women's Equality Amendment—when the speaker of the House, secretary of state and the Democratic presidential front-runner are women, and when women are making gains in education and the workforce? One reason is that many claim women are systematically discriminated against at work, as the existence of the so-called wage gap proves.

Talking about wage discrimination against women is a political mainstay. Last month, Sen. Hillary Clinton expressed consternation that women continue to make "just 77 cents for every dollar that a man makes" and re-introduced legislation, the Paycheck Fairness Act, that would give the government more power to make "an equal paycheck for equal work" a reality.

This statistic—probably the most frequently cited of the Labor Department's data—is also its most misused.

Yes, the Labor Department regularly issues new data comparing the median wage of women who work full time with the median wage of men who work full-time, and women's earnings bob at around three-quarters those of men. But this statistic says little about women's compensation and the influence of discrimination on men's and women's earnings. All the relevant factors that affect pay—occupation, experience, seniority, education and hours worked—are ignored. This sound-bite statistic fails to take into account the different roles that work tends to play in men's and women's lives.

In truth, I'm the cause of the wage gap—I and hundreds of thousands of women like me. I have a good education and have worked full time for 10 years. Yet throughout my career, I've made things other than money a priority. I chose to work in the nonprofit world because I find it fulfilling. I sought out a specialty and employer that seemed best suited to balancing my work and family life. When I had my daughter, I took time off and

then opted to stay home full time and tele-commute. I'm not making as much money as I could, but I'm compensated by having the best working arrangement I could hope for.

Women make similar trade-offs all the time. Surveys have shown for years that women tend to place a higher priority on flexibility and personal fulfillment than do men, who focus more on pay. Women tend to avoid jobs that require travel or relocation, and they take more time off and spend fewer hours in the office than men do. Men disproportionately take on the dirtiest, most dangerous and depressing jobs.

When these kinds of differences are taken into account and the comparison is truly between men and women in equivalent roles, the wage gap shrinks. In his book "Why Men Earn More," Warren Farrell—a former board member of the National Organization for Women in New York—identifies more than three dozen professions in which women out-earn men (including engineering management, aerospace engineering, radiation therapy and speech-language pathology). Farrell seeks to empower women with this information. Discrimination certainly plays a role in some workplaces, but individual preferences are the real root of the wage gap.

When women realize that it isn't systemic bias but the choices they make that determine their earnings, they can make better-informed decisions. Many women may not want to follow the path toward higher pay—which often requires more time on the road, more hours in the office or less comfortable and less interesting work—but they're better off not feeling like victims.

Government attempts to "solve" the problem of the wage gap may in fact exacerbate some of the challenges women face, particularly in balancing work and family. Clinton's legislation would give Washington bureaucrats more power to oversee how wages are determined, which might prompt businesses to make employment options more rigid. Flexible job structures such as the one I enjoy today would probably become scarcer. Why would companies offer employees a variety of work situations and compensation packages if doing so puts them at risk of being sued?

Women hearing Clinton's pledge to solve their problems and increase their pay should think hard about the choices they have made. They should think about the women they know and about their career paths. I bet they'll find that maximizing pay hasn't always been the top priority. Eliminating the wage gap may sound like a good campaign promise, but since the wage gap mostly reflects individual differences in priorities, it's a promise that we should hope a President Hillary Clinton wouldn't try to keep.

Carrie Lukas is vice president for policy and economics at the Independent Women's Forum and the author of "The Politically Incorrect Guide to Women, Sex, and Feminism."

This article was first published in The Washington Post.

I encourage adoption of the amendment and yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. ALTMIRE

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110-807.

Mr. ALTMIRE. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. ALTMIRE: Page 21, after line 3, insert the following:

#### 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.

The CHAIRMAN. Pursuant to House Resolution, 1388, the gentleman from Pennsylvania (Mr. ALTMIRE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. ALTMIRE. I yield myself such time as I may consume.

My amendment serves to assist small businesses in implementing the changes made by this bill. Small businesses are the backbone of our economy, and we must ensure that this legislation does not place additional undue burdens on the very entrepreneurs who continue to be the main source of job growth in our communities.

□ 1745

My amendment provides an additional 6 months for the implementation of this Act for those small businesses, and the Department of Labor will be responsible for educating small businesses about the law and assisting them with compliance.

The goals of this bill are laudable, and my amendment only seeks to guarantee that small businesses are not put at an unfair disadvantage when complying with this law.

Through this amendment, we will give small businesses the time and resources they need to adjust to the changes brought on by this bill.

I urge adoption of this amendment.

I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I claim the Republican time to speak in opposition.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. McKEON. I will not oppose the gentleman's amendment. As I understand it, the gentleman's amendment

does two things: First, it provides a 6-month delay in the effective date of the bill; and second, it directs the Department of Labor and the Equal Employment Opportunity Commission to develop materials to assist small businesses in complying with the law's new requirements.

I do not object to either of these provisions. Indeed, I have always believed that we should do all we can, all that we should to assist small businesses which are the backbone of our economy and the leading source of job growth in our Nation.

Frankly, I would say that the gentleman's approach is a decidedly second-best option. As we just heard in debate on the prior amendment, I would support delaying implementation of the key provisions of this bill until we have a full understanding of its impact on jobs and on the recruiting and hiring of employees. If Members genuinely want to make sure the businesses, particularly small businesses, are not unfairly penalized by this legislation, they will, I hope, support the amendment previously offered by my colleague, Mr. PRICE, which will do just that.

I will also say there is a certain irony here. While the gentleman's amendment purports to help small businesses, what it fails to do is address fundamental flaws in the underlying bill, core issues which leave me to strongly oppose this legislation today. As I have said before and I expect I will say again before debate is concluded, the underlying bill offers little to benefit working women and families while threatening to wreck havoc on workers and employers by expanding liability and encouraging costly lawsuits. Nothing in the gentleman's amendment changes that simple fact.

I will not oppose the gentleman's amendment, but I would advise Members to not kid themselves into thinking that compliance assistance for small business in any real way addresses core failings in the underlying bill. Whether this amendment is adopted or not, I remain opposed to H.R. 1338 and urge my colleague to join me in voting "no" on final passage.

I yield back the balance of my time.  
Mr. ALTIMRE. I yield the distinguished chairman of the committee as much time as he may consume.

Mr. GEORGE MILLER of California. I won't take that long.

I just want to thank the gentleman for offering this amendment. We've discussed it for some time, and your persistence has won out. And I think it's a good amendment, and I would hope that the committee would adopt it.

Mr. ALTIMRE. I thank the gentleman from California.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. ALTIMRE).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. ALTIMRE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

AMENDMENT NO. 4 OFFERED BY MS. GIFFORDS

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110-807.

Ms. GIFFORDS. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Ms. GIFFORDS: Page 10, beginning on line 17, strike "damages or" and insert "damages, or, where the employee demonstrates that the employer acted with malice or reckless indifference."

The CHAIRMAN. Pursuant to House Resolution 1388, the gentlewoman from Arizona (Ms. GIFFORDS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Arizona.

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

Mr. Chairman, as the President and CEO of my family's small tire business, I know the challenges that small businesses face in America, not just to thrive but truly to survive in a rapidly increasingly global economy. Small businesses are truly the backbone of a strong and vibrant community, and women are major economic contributors since we constitute over 45 percent of small business employees.

That is why I strongly support H.R. 1338, the Paycheck Fairness Act, because it recognizes women's valuable role in the workplace.

It is also important, though, to make sure this legislation is fair. So today I'm offering an amendment that will clarify the legal standard for punitive damages as requiring malice or reckless indifference. This commonsense amendment means that businesses will not be subject to punitive damages unless they act with malice or reckless intent. This standard mirrors the burden that applies in other civil rights laws.

Today, as we close loopholes in the Equal Pay Act that have allowed women to continue to be underpaid for equal work, we must do so fairly. It is unacceptable for society to undervalue the work that women do and underpay us for equal work. According to the United States Department of Labor, American women are earning 74 cents for every dollar earned by a man, taking women 16 months to earn what men earn in 1 calendar year. This disparity is not just unfair, but it is also a major economic concern for millions of hard-working American families.

Closing the wage gap will also have a long-term impact on women's economic security especially during their retirement years. Women, of course, are living longer. Men are living

longer, too, but women longer than men. Over time, lower wages translate into less income that counts for calculating pension and Social Security benefits. Older women are less likely than older men to receive pension income. And when they do, they only receive one-half of the benefits that men do.

As a cosponsor of the Paycheck Fairness Act, I am proud to join with 229 of my colleagues in showing strong support for this legislation.

I urge the House to pass this amendment that has been endorsed by the United States Chamber of Commerce. It is time that America, the land of equal opportunity, recognize equal pay between men and women. I am proud to be part of this historic effort.

I'm particularly proud that my mother is here in the gallery today to witness this historic act of Congress.

So thank you, Congresswoman DELAURO, for your tireless effort over so many years, and Chairman MILLER as well, for continuing to fight for the people that are truly underrepresented in so many ways.

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

Mr. McKEON. Mr. Chairman, I claim the Republican time to speak on the amendment.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

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

I will not oppose this amendment. I do want to make clear that as the gentlelady spoke, the Chamber of Commerce supports her amendment, not the bill. They are opposed, as I am, to the underlying bill. I want to be clear that adoption or defeat will not change my position on the underlying bill. The so-called Paycheck Fairness Act, which we're debating today, has nothing to do with making paychecks fairer and everything to do with lining the pockets of trial lawyers.

The gentlelady's amendment tinkers at the margins of just one of the bill's fundamental flaws. Whether adopted or not, it does not change my strong opposition or the Chamber of Commerce's strong opposition to the underlying bill.

The gentlelady's amendment would appear to limit the circumstances in which a plaintiff can recover punitive damages under the bill to those situations where he or she can show that an employer acted with malice or reckless indifference. First, let me point out that nowhere in the Fair Labor Standards Act or Equal Pay Act is this standard of proof, malice, or reckless indifference used. It's an entirely new concept to this statute and one which will no doubt and to no one's great surprise encourage extended litigation to determine its meaning in the context of the Equal Pay Act.

Even more telling is what the gentlelady's amendment does not do. It does not limit compensatory or punitive damages but still puts employers

at risk for unlimited punitive and compensatory damage awards, remedies far beyond those contained in title VII, nor does it require that the plaintiff show the employer engaged in intentional discrimination. Presumably now an employer can be slapped with a multimillion-dollar punitive fine if a jury finds that he or she was indifferent, whatever that means.

When all is said and done, the amendment does little, if anything, to address the radical expansion of liability and the payback to trial lawyers contained in the bill. I'm excited to see what lawyers will do with that in front of a judge discussing indifference and how that pertains to the law. The gentlelady's amendment provides the most modest limitations of the bill's dramatic expansion of liability that one could imagine.

Now some limitation may be better than none at all, but this fig leaf does not come close to addressing core problems in the bill.

I will not oppose the amendment, but I remain strongly opposed to the underlying bill.

I yield back the balance of my time.

Ms. GIFFORDS. Mr. Chairman, as I said earlier, I'm really proud that one of my experiences that I bring to the United States Congress is running a family tire and automotive company. There are not that many Members of Congress that know what it's like to make a payroll, to know what it's like to have laws imposed on them at the local, at the State, at the Federal levels, and I think that that background is really critical. That's one of the reasons that I am pleased that the United States Chamber of Commerce has endorsed this amendment.

With that, I urge my colleagues on both sides of the aisle to join with me in passing this amendment.

The Acting CHAIRMAN (Mr. BERRY). The question is on the amendment offered by the gentlewoman from Arizona (Ms. GIFFORDS).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Ms. GIFFORDS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Arizona will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. CAZAYOUX

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110-807.

Mr. CAZAYOUX. Mr. Chairman, I have an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. CAZAYOUX:

Page 21, after line 3, insert the following:

**SEC. 11. 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 Acting CHAIRMAN. Pursuant to the House Resolution 1388, the gentleman from Louisiana (Mr. CAZAYOUX) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

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

I would like to thank Congresswoman DELAURO for this thoughtful legislation that is long overdue. It is imperative that hardworking women be fairly compensated and that they are not being shortchanged by longstanding practices. Far too long in this country many American women have suffered pay inequities that have denied them the earnings they deserve. In America, this is unacceptable, and this bill aims to rectify those inequities.

However, as we seek to protect the legal rights of American workers, we must also protect their rights from being abused by those who work here illegally. The amendment I bring to the floor today serves to ensure that nothing in this legislation or in any amendments to this legislation will affect the obligations of employers and employees to comply with immigration laws. That means that anyone found to be in violation of our immigration laws, whether they are employers or employees, will be subject to all fines and penalties imposed by those laws regardless of the protections for all workers, male or female, contained within this Act.

Again, I thank Chairwoman DELAURO as well as Chairman MILLER for this meaningful legislation, and I urge my colleagues to support this amendment and the underlying bill.

I yield back the balance of my time.

Mr. McKEON. Mr. Chairman, I claim the Republican time in opposition.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

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

I will not oppose this amendment. I don't know that any Member of the House would or could. It is simply a restatement of current law. I strongly believe that every employer and every worker should comply with our Nation's immigration laws. Indeed, I have long argued that our immigration laws need to be strengthened, that we need to get serious about reasserting control of our borders, enforcing the laws that are on the books and enhancing those laws which are failing if we truly want to secure our borders.

□ 1800

No one is as committed to those goals as I am.

That said, that is a debate for another day, and not the issue presented to us in this bill. We are not debating

the question of immigration reform, but rather, whether we should adopt a trial lawyer bonanza under the guise of "paycheck fairness." As I have said before, this bill does nothing to promote fairness in pay, and everything to invite costly, and often frivolous, litigation.

Whether the gentleman's amendment is adopted today or not, that fact will not change. This is an ill-conceived bill, based on flawed and demonstrably false economic theories, and sure to lead to unintended consequences for workers and employers.

The gentleman's amendment is inoffensive, but it is not particularly meaningful. I will not oppose the amendment, but it does not change my strong opposition to the underlying bill, nor my intention to vote "no" on final passage.

I would like to address the gentlelady that spoke on the amendment just before. When she concluded her statement, she commented on her fact of having been a small businesswoman and running a family business. I had the same experience for many years before I came here to Congress. It's good to see other small businesspeople come to Congress, and I appreciate her amendment that she presented.

And I also want to restate again the fact that, even though the Chamber did support her amendment, that we're strongly opposed to the underlying bill.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. CAZAYOUX).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. ANDREWS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. FLAKE

The Acting CHAIRMAN (Mr. POMEROY). It is now in order to consider amendment No. 6 printed in House Report 110-807.

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. FLAKE:

Page 21, line 2, strike "There are" and insert "(a) AUTHORIZATION OF APPROPRIATIONS.—There are".

Page 21, after line 3 insert the following:

(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.

The SPEAKER pro tempore. Pursuant to House Resolution 1388, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment is noncontroversial. I assume it will be accepted by the other side. It's similar to an amendment that was offered earlier this year on an unrelated bill.

The amendment simply seeks to ensure that the competitive grant program established and authorized by this bill does not become a vehicle to be earmarked later. I am not alleging that there are any earmarks in this bill; there are not. There's simply a competitive grant program established.

My fear is that later on that this grant—that is a competitive grant and it was based on merit for those who apply—will be later earmarked, as has happened in other legislation.

My amendment to H.R. 1338, The Paycheck Fairness Act is a common sense amendment that would simply prohibit the earmarking of funds authorized by this bill for a new grant program.

In section five of the legislation, a new grant program is created to carry out programs to train girls and women in negotiating tactics.

This new grant program is explicitly authorized in the legislation to make grants on a competitive basis to eligible entities. I offer this amendment simply as a precaution in order to avoid future earmarking.

Earlier this year, a similar amendment was approved by the House of Representatives during consideration of the Beach Act of 2007 by a vote of 263 to 117.

When it comes to earmarking, the message is clear: just because Congress hasn't earmarked an account or a grant program before doesn't mean we won't in the future. My amendment makes no substantive change to the grant program included in the legislation and is simply offered as a safeguard against future earmarking.

Judging by the nearly four and a half billion dollars worth of earmarks that have been reported out of the Committee on Appropriations this summer, it appears that, even with all the talk of earmark reform this year, it's business as usual.

Unfortunately, when it comes to earmarking, business as usual means Congressional earmarks showing up in programs and accounts that never used to have them.

The worst example of this is the Department of Homeland Security appropriations bill.

Kept relatively earmark-free from its inception in order to keep politics out of spending decisions, the earmarking truce was broken when the 2008 omnibus spending bill contained 128 earmarks worth more than \$400 million in Homeland Security funding.

Included were 95 earmarks for the Pre-Disaster Mitigation Program, a competitive grant program with a 70-page guidance document for grant applicants that had not previously been earmarked.

If the Fiscal Year 2009 Homeland Security appropriations bill approved by committee becomes law, then the earmarking of the Pre-Disaster Mitigation Program will continue with nearly 25 million dollars, or one third of the program funds, already having been spent by Members earmarking funds for their own districts.

Emergency Operations Centers funding is another example of earmarks encroaching into a previously non-earmarked program.

Created last year by Congress, fifteen million earmark-free dollars were appropriated, to be awarded through a formula-based grant program for the "equipping, upgrading, and constructing of Emergency Operations Centers."

This year's Homeland Security appropriations bill proposes increasing Emergency Operations Center funding to 35 million dollars—but also would earmark nearly sixty percent of this funding by including 34 earmarks worth more than 21 million dollars.

Unfortunately, these examples of earmarking competitive programs are not lone cases. Another example is a program funded through the Department of Housing and Urban Development called the Economic Development Initiative.

This program started in 1994 as a competitive program with strict selection-based criteria to assist with low-income housing and neighborhood development. Over time, the program became a prime target for earmarkers and, by 2000, the competitive program was not funded and the program was entirely made up of earmarks.

A similar story can be told about the Byrne Discretionary Grant program. This program was established in 2006 as a competitive grant program where awards are to be evaluated by a peer review system and other review processes. Allegedly, the program has remained that way, however, the agency that administers the program still calls it a competitive program but the account was heavily earmarked last year and it appears that earmarking has been adopted as the standard operating practice.

In fact, should the Commerce Justice and Science Committee Report approved by the Appropriations become law, there will be 280 earmarks for the Byrne Discretionary Grant account, alone.

The message is clear: just because we haven't earmarked an account or a grant program before doesn't mean we won't in the future.

With few opportunity this session to deal directly with the broken earmarking process, the least we can do is explicitly prohibit earmarks in programs or accounts that provide funding on a formula or competitive basis.

I urge my colleagues to support this commonsense amendment.

With that, I would like to ask if this amendment will be accepted by the other side and reserve the balance of my time.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. GEORGE MILLER of California. We have no problem with this amendment. We agree with the gentleman. We think that these grants to increase the negotiating skills of young women and girls, all women, are very important. We would hope and we expect that they would be given on merit by the Secretary under the provisions of the law. We don't expect that they would be earmarked.

Mr. FLAKE has offered this language so that hopefully it would not be earmarked, and that language hopefully will be respected by other committees of the Congress, and we would accept the amendment.

I reserve the balance of my time.

Mr. FLAKE. Let me just comment and thank the majority for accepting this and also thank the Rules Committee for making this amendment in order. I've offered this same amendment on a number of authorization bills over the past couple of months, and it has not been made in order. So I appreciate the fact, and whatever influence the gentleman from California had on the Rules Committee to make this important amendment in order, I appreciate.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 110-807 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. PRICE of Georgia.

Amendment No. 3 by Mr. ALTMIRE of Pennsylvania.

Amendment No. 4 by Ms. GIFFORDS of Arizona.

Amendment No. 5 by Mr. CAZAYOUX of Louisiana.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 2-minute votes.

AMENDMENT NO. 2 OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 188, noes 240, not voting 11, as follows:

[Roll No. 551]

AYES—188

Aderholt	Boozman	Coble
Akin	Boustany	Cole (OK)
Alexander	Brady (TX)	Conaway
Bachmann	Broun (GA)	Crenshaw
Bachus	Brown (SC)	Davis (KY)
Barrett (SC)	Buchanan	Davis, David
Bartlett (MD)	Burgess	Davis, Tom
Barton (TX)	Burton (IN)	Deal (GA)
Biggart	Buyer	Dent
Bilbray	Calvert	Diaz-Balart, M.
Bilirakis	Camp (MI)	Doolittle
Bishop (UT)	Campbell (CA)	Drake
Blackburn	Cantor	Dreier
Blunt	Capito	Duncan
Boehner	Carter	Ehlers
Bonner	Castle	Emerson
Bono Mack	Chabot	English (PA)

Everett  
Fallin  
Feeney  
Ferguson  
Flake  
Forbes  
Fortenberry  
Fossella  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Gingrey  
Gohmert  
Goode  
Goodlatte  
Granger  
Graves  
Hall (TX)  
Hastings (WA)  
Hayes  
Heller  
Hensarling  
Herger  
Hobson  
Hoekstra  
Hunter  
Inglis (SC)  
Issa  
Johnson (IL)  
Johnson, Sam  
Jordan  
Keller  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kline (MN)  
Knollenberg  
Kuhl (NY)  
LaHood  
Lamborn  
Latham  
LaTourette

## NOES—240

Abercrombie  
Ackerman  
Allen  
Altmire  
Andrews  
Arcuri  
Baca  
Baird  
Baldwin  
Barrow  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bordallo  
Boren  
Boswell  
Boucher  
Boyd (FL)  
Boyd (KS)  
Brady (PA)  
Braley (IA)  
Brown, Corrine  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson  
Castor  
Cazayoux  
Chandler  
Childers  
Christensen  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Cramer

Latta  
Lewis (CA)  
Lewis (KY)  
Linder  
LoBiondo  
Lucas  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
McCarthy (CA)  
McCaul (TX)  
McCotter  
McCrery  
McHenry  
McHugh  
McKeon  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moran (KS)  
Murphy, Tim  
Musgrave  
Myrick  
Neugebauer  
Nunes  
Paul  
Pearce  
Pence  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Platts  
Poe  
Porter  
Price (GA)  
Pryce (OH)  
Putnam  
Radanovich  
Ramstad  
Regula  
Rehberg

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

Holden  
Holt  
Honda  
Hooley  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Johnson (GA)  
Johnson, E. B.  
Jones (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick  
Kind  
Klein (FL)  
Kucinich  
Lampson  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee  
Levin  
Lewis (GA)  
Lipinski  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lynch  
Mahoney (FL)  
Maloney (NY)  
Markey  
Marshall  
Matheson  
Matsui  
McCarthy (NY)  
McCollum (MN)  
McDermott  
McGovern  
McIntyre  
McNerney

Melancon  
Michaud  
Miller (NC)  
Miller, George  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murtha  
Nadler  
Napolitano  
Neal (MA)  
Norton  
Oberstar  
Obey  
Oliver  
Ortiz  
Pallone  
Pascarell  
Pastor  
Payne  
Perlmutter  
Peterson (MN)  
Pomeroy  
Price (NC)  
Rahall  
Rangel  
Reyes

Brown-Waite,  
Ginny  
Cannon  
Cubin

Richardson  
Rodriguez  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Ryan (OH)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shays  
Shea-Porter  
Sherman  
Shuler  
Sires  
Skeltton  
Slaughter  
Smith (WA)  
Snyder  
Solis  
Space  
Speier

## NOT VOTING—11

Culberson  
Diaz-Balart, L.  
Fortuño  
Hulshof

## □ 1835

Messrs. JACKSON of Illinois, HALL of New York, LYNCH, Ms. MOORE of Wisconsin, Mrs. CAPPs, Mrs. JONES of Ohio, Mrs. MCCARTHY of New York, Ms. HARMAN, Messrs. SIREs, FRANK of Massachusetts, Ms. CASTOR, Messrs. WATT, MARSHALL, Ms. SPEIER, Mr. KANJORSKI, Ms. RICHARDSON, Ms. SCHWARTZ, Messrs. SESTAK, PASTOR, ABERCROMBIE, Mrs. LOWEY, and Mr. MORAN of Virginia changed their vote from “aye” to “no.”

Mr. WALBERG, Mrs. EMERSON, and Messrs. TIAHRT, SMITH of Texas, and TANCREDO changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 3 OFFERED BY MR. ALTMIRE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. ALTMIRE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 426, noes 1, not voting 12, as follows:

[Roll No. 552]

## AYES—426

Abercrombie  
Ackerman  
Aderholt

Akin  
Alexander  
Allen

Altmire  
Andrews  
Arcuri

Baca  
Bachmann  
Bachus  
Baird  
Baldwin  
Barrett (SC)  
Barrow  
Bartlett (MD)  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggart  
Billbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Blunt  
Boehner  
Bonner  
Bono Mack  
Boozman  
Bordallo  
Boren  
Boswell  
Boucher  
Boustany  
Boyd (FL)  
Boyd (KS)  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Broun (GA)  
Brown (SC)  
Brown, Corrine  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Buyer  
Calvert  
Camp (MI)  
Campbell (CA)  
Cantor  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson  
Carter  
Castle  
Castor  
Cazayoux  
Chabot  
Chandler  
Childers  
Christensen  
Clarke  
Clay  
Cleaver  
Clyburn  
Coble  
Cohen  
Conaway  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Cramer  
Crenshaw  
Crowley  
Cuellar  
Culberson  
Cummings  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis, David  
Davis, Lincoln  
Davis, Tom  
Deal (GA)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell

Doggett  
Donnelly  
Doolittle  
Doyle  
Drake  
Dreier  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emanuel  
Emerson  
Engel  
English (PA)  
Eshoo  
Etheridge  
Everett  
Faleomavaega  
Fallin  
Farr  
Fattah  
Feeney  
Ferguson  
Filner  
Flake  
Forbes  
Fortenberry  
Fossella  
Foster  
Foxy  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Giffords  
Gilchrest  
Gillibrand  
Gingrey  
Gohmert  
Gonzalez  
Goode  
Goodlatte  
Gordon  
Granger  
Graves  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hall (NY)  
Hall (TX)  
Hare  
Hastings (FL)  
Hastings (WA)  
Hayes  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Higgins  
Hill  
Hinchey  
Hinojosa  
Hirono  
Hobson  
Hodes  
Hoekstra  
Holden  
Holt  
Honda  
Hookey  
Hoyer  
Hunter  
Inglis (SC)  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones (NC)  
Jones (OH)  
Jordan  
Kagen  
Kanjorski  
Kaptur  
Keller  
Kennedy  
Kildee  
Kilpatrick  
Kind

King (IA)  
King (NY)  
Kingston  
Kirk  
Klein (FL)  
Kline (MN)  
Knollenberg  
Kucinich  
Kuhl (NY)  
LaHood  
Lamborn  
Lampson  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee  
Levin  
Lewis (CA)  
Lewis (GA)  
Lewis (KY)  
Linder  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lucas  
Lungren, Daniel  
E.  
Lynch  
Mack  
Mahoney (FL)  
Maloney (NY)  
Manzullo  
Marchant  
Markey  
Marshall  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul (TX)  
McCollum (MN)  
McCotter  
McCrery  
McDermott  
McGovern  
McHenry  
McHugh  
McIntyre  
McKeon  
McMorris  
Rodgers  
McNerney  
McNulty  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Musgrave  
Myrick  
Nadler  
Napolitano  
Neal (MA)  
Neugebauer  
Norton  
Nunes  
Oberstar  
Obey  
Oliver  
Ortiz  
Pallone  
Pascarell  
Pastor  
Paul  
Payne  
Pearce  
Pence  
Perlmutter  
Peterson (MN)

Peterson (PA)	Saxton	Terry	Baldwin	Edwards (TX)	Latham	Rogers (AL)	Shea-Porter	Towns
Petri	Scalise	Thompson (CA)	Barrett (SC)	Ehlers	Latta	Rogers (KY)	Sherman	Tsongas
Pickering	Schakowsky	Thompson (MS)	Barrow	Ellison	Levin	Rogers (MI)	Shinkus	Udall (CO)
Pitts	Schiff	Thornberry	Bartlett (MD)	Ellsworth	Lewis (CA)	Rohrabacher	Shuler	Udall (NM)
Platts	Schmidt	Tiahrt	Barton (TX)	Emanuel	Lewis (KY)	Ros-Lehtinen	Shuster	Upton
Poe	Schwartz	Tiberi	Bean	Emerson	Linder	Roskam	Simpson	Van Hollen
Pomeroy	Scott (GA)	Tierney	Becerra	Engel	Lipinski	Ross	Sires	Visclosky
Porter	Scott (VA)	Towns	Berkley	English (PA)	LoBiondo	Rothman	Skelton	Walberg
Price (GA)	Sensenbrenner	Tsongas	Berman	Eshoo	Loeback	Royce	Smith (NE)	Walden (OR)
Price (NC)	Serrano	Udall (CO)	Berry	Etheridge	Lofgren, Zoe	Ruppersberger	Smith (NJ)	Walsh (NY)
Pryce (OH)	Sessions	Udall (NM)	Biggert	Everett	Lowey	Ryan (OH)	Smith (TX)	Walz (MN)
Putnam	Sestak	Upton	Bilbray	Faleomavaega	Lucas	Ryan (WI)	Smith (WA)	Wasserman
Radanovich	Shadegg	Van Hollen	Bilirakis	Fallin	Lungren, Daniel	Salazar	Snyder	Schultz
Rahall	Shays	Velázquez	Bishop (GA)	Farr	E.	Sali	Souder	Watson
Ramstad	Shea-Porter	Visclosky	Bishop (NY)	Feeney	Lynch	Sánchez, Linda	Space	Watt
Regula	Sherman	Walberg	Bishop (UT)	Ferguson	Mack	T.	Speier	Waxman
Rehberg	Shinkus	Walden (OR)	Flake	Forbes	Mahoney (FL)	Sanchez, Loretta	Spratt	Weiner
Reichert	Shuler	Walsh (NY)	Forbes	Fortenberry	Maloney (NY)	Sarbanes	Stearns	Welch (VT)
Renzi	Shuster	Walz (MN)	Flake	Fossella	Manzullo	Saxton	Stupak	Weldon (FL)
Reyes	Simpson	Wamp	Blumenauer	Foster	Marchant	Scalise	Sullivan	Weller
Reynolds	Sires	Wasserman	Blunt	Fox	Markay	Schakowsky	Sutton	Westmoreland
Richardson	Skelton	Schultz	Boehner	Frank (MA)	Marshall	Schiff	Tancred	Wexler
Rodriguez	Slaughter	Waters	Bonior	Frank (AZ)	Matsui	Schmidt	Tanner	Whitfield (KY)
Rogers (AL)	Smith (NE)	Watson	Bordallo	Frelinghuysen	McCarthy (CA)	Schwartz	Tauscher	Wilson (OH)
Rogers (KY)	Smith (NJ)	Watt	Boren	Gallegly	McCarthy (NY)	Scott (GA)	Taylor	Wilson (SC)
Rogers (MI)	Smith (TX)	Waxman	Boswell	Garrett (NJ)	McCaul (TX)	Scott (VA)	Terry	Wittman (VA)
Rohrabacher	Smith (WA)	Weiner	Boucher	Gerlach	McCollum (MN)	Sensenbrenner	Thompson (CA)	Wolf
Ros-Lehtinen	Snyder	Welch (VT)	Boustany	Giffords	McCotter	Sessions	Thornberry	Woolsey
Roskam	Solis	Weldon (FL)	Boyd (FL)	Gilchrest	McCrery	Sestak	Tiahrt	Wu
Ross	Souder	Weller	Boyd (KS)	Gillibrand	McDermott	Shadegg	Tiberi	Yarmuth
Rothman	Space	Westmoreland	Brady (PA)	Gingrey	McHenry	Shays	Tierney	Young (FL)
Roybal-Allard	Speier	Wexler	Brady (TX)	Gohmert	McHugh			
Royce	Spratt	Whitfield (KY)	Brayley (IA)	Gonzalez	McIntyre			
Ruppersberger	Stark	Wilson (OH)	Brown (GA)	Goode	McKeon			
Ryan (OH)	Stearns	Wilson (SC)	Brown (SC)	Goodlatte	McMorris			
Ryan (WI)	Stupak	Wittman (VA)	Brown, Corrine	Gordon	Rodgers			
Salazar	Sullivan	Wolf	Buchanan	Granger	McNerney			
Sali	Sutton	Woolsey	Burgess	Graves	McNulty			
Sánchez, Linda	Tancred	Wu	Burton (IN)	Green, Al	Meek (FL)			
T.	Tanner	Yarmuth	Butterfield	Green, Gene	Meeks (NY)			
Sanchez, Loretta	Tauscher	Young (FL)	Buyer	Hall (NY)	Melancon			
Sarbanes	Taylor		Calvert	Hall (TX)	Mica			

## NOES—1

Johnson (GA)

## NOT VOTING—12

Brown-Waite,	Fortuño	Turner
Ginny	Harman	Wilson (NM)
Cannon	Hulshof	Young (AK)
Cole (OK)	Rangel	
Cubin	Rush	

## ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is 1 minute remaining in this vote.

## □ 1839

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 4 OFFERED BY MS. GIFFORDS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Arizona (Ms. GIFFORDS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 397, noes 29, not voting 13, as follows:

[Roll No. 553]

AYES—397

Ackerman	Allen	Baca
Aderholt	Altmire	Bachmann
Akin	Andrews	Bachus
Alexander	Arcuri	Baird

## NOES—29

Abercrombie	Johnson, E. B.	Payne
Clay	Kilpatrick	Roybal-Allard
Clyburn	Kucinich	Serrano
Cummings	Lee	Slaughter
Davis (IL)	Lewis (GA)	Solis
Filner	McGovern	Stark
Grijalva	Moore (WI)	Thompson (MS)
Gutierrez	Napolitano	Velázquez
Honda	Norton	Waters
Jefferson	Pastor	

## NOT VOTING—13

Brown-Waite,	Fattah	Turner
Ginny	Fortuño	Wamp
Cannon	Hulshof	Wilson (NM)
Castor	LaTourette	Young (AK)
Cubin	Rush	

## ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is 1 minute remaining in this vote.

## □ 1844

Mr. CUMMINGS, Ms. WATERS and Ms. NORTON changed their vote from “aye” to “no.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 5 OFFERED BY MR. CAZAYOUX

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana (Mr. CAZAYOUX) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 410, noes 16, answered “present” 1, not voting 12, as follows:

Rodriguez



[Roll No. 554]

## AYES—410

Abercrombie Delahunt Kanjorski  
Ackerman DeLauro Kaptur  
Aderholt Dent Keller  
Akin Diaz-Balart, L. Kennedy  
Alexander Diaz-Balart, M. Kildee  
Allen Dicks Kilpatrick  
Altmire Dingell Kind  
Andrews Doggett King (IA)  
Arcuri Donnelly King (NY)  
Baca Doolittle Kingston  
Bachmann Doyle Kirk  
Bachus Drake Klein (FL)  
Baird Dreier Kline (MN)  
Barrett (SC) Duncan Knollenberg  
Bartlett (MD) Edwards (TX) Kuhl (NY)  
Barton (TX) Ehlers LaHood  
Bean Ellison Lamborn  
Becerra Ellsworth Lampson  
Berkley Emanuel Langevin  
Berman Emerson Larsen (WA)  
Berry Engel Larson (CT)  
Biggert English (PA) Latham  
Bilbray Eshoo LaTourette  
Bilirakis Etheridge Latta  
Bishop (GA) Everrett Levin  
Bishop (NY) Faleomavaega Lewis (CA)  
Bishop (UT) Fallin Lewis (GA)  
Blackburn Farr Lewis (KY)  
Blumenauer Fattah Linder  
Blunt Feeney Lipinski  
Boehner Ferguson LoBiondo  
Bonner Filner Loebisack  
Bono Mack Flake Lofgren, Zoe  
Boozman Forbes Lowey  
Bordallo Fortenberry Lucas  
Boren Fossella Lungren, Daniel  
Boswell Foster E.  
Boucher Foxx Lynch  
Boustany Frank (MA) Mack  
Boyd (FL) Franks (AZ) Mahoney (FL)  
Boyd (KS) Frelinghuysen Maloney (NY)  
Brady (PA) Gallegly Manzanillo  
Brady (TX) Garrett (NJ) Marchant  
Braley (IA) Gerlach Markey  
Broun (GA) Giffords Marshall  
Brown (SC) Gilchrest Matheson  
Brown, Corrine Gillibrand Matsui  
Buchanan Gingrey McCarthy (CA)  
Burgess Gohmert McCarthy (NY)  
Burton (IN) Gonzalez McCaul (TX)  
Butterfield Goode McCollum (MN)  
Buyer Goodlatte McCotter  
Calvert Gordon McCrery  
Camp (MI) Granger McGovern  
Campbell (CA) Graves McHenry  
Cantor Green, Al McHugh  
Capito Green, Gene McIntyre  
Capps Hall (NY) McKeon  
Capuano Hall (TX) McMorris  
Cardoza Hare Rodgers  
Carahan Harman McNeerney  
Carney Hastings (FL) McNulty  
Carson Hastings (WA) Meek (FL)  
Carter Hayes Meeks (NY)  
Castle Heller Melancon  
Cazayoux Hensarling Mica  
Chabot Herger Michaud  
Chandler Herseth Sandlin Miller (FL)  
Childers Higgins Miller (MI)  
Christensen Hill Miller (NC)  
Clay Hinchey Miller, Gary  
Cleaver Hinojosa Miller, George  
Coble Hobson Mitchell  
Cohen Hodes Mollohan  
Cole (OK) Hoekstra Moore (KS)  
Conaway Holden Moran (KS)  
Conyers Conyers Moran (VA)  
Cooper Hooley Murphy (CT)  
Costa Hoyer Murphy, Patrick  
Costello Hunter Murphy, Tim  
Courtney Inglis (SC) Murtha  
Cramer Inslee Musgrave  
Crenshaw Israel Myrick  
Crowley Issa Nadler  
Cuellar Jackson (IL) Neal (MA)  
Culberson Jackson-Lee Neugebauer  
Cummings (TX) Norton  
Davis (AL) Jefferson Nunes  
Davis (CA) Johnson (GA) Oberstar  
Davis (KY) Johnson (IL) Obey  
Davis, David Johnson, E. B. Oliver  
Davis, Lincoln Johnson, Sam Ortiz  
Davis, Tom Jones (NC) Pallone  
Deal (GA) Jones (OH) Pascarell  
DeFazio Jordan Pastor  
DeGette Kagen Paul

Payne Sanchez, Linda  
Pearce T.  
Pence Sanchez, Loretta  
Perlmutter Sarbanes  
Peterson (MN) Saxton  
Petri Scalise  
Pickering Schakowsky  
Pitts Schiff  
Platts Schmidt  
Poe Schwartz  
Pomeroy Scott (GA)  
Porter Scott (VA)  
Price (GA) Sensenbrenner  
Price (NC) Sessions  
Pryce (OH) Sestak  
Putnam Shadegg  
Radanovich Shays  
Rahall Shea-Porter  
Ramstad Sherman  
Rangel Shimkus  
Regula Shuler  
Rehberg Shuster  
Reichert Simpson  
Renzi Sires  
Reyes Skelton  
Reynolds Slaughter  
Richardson Smith (NE)  
Rodriguez Smith (NJ)  
Rogers (AL) Smith (TX)  
Rogers (KY) Smith (WA)  
Rogers (MI) Snyder  
Rohrabacher Souder  
Ros-Lehtinen Space  
Roskam Speier  
Ross Spratt  
Rothman Stearns  
Roybal-Allard Stupak  
Royce Sullivan  
Ruppersberger Sutton  
Ryan (OH) Tancredo  
Ryan (WI) Tanner  
Salazar Tauscher  
Sali Taylor

## NOES—16

Baldwin Hirono Napolitano  
Clarke Honda Serrano  
Clyburn Kucinich Solis  
Davis (IL) Lee Stark  
Grijalva McDermott  
Gutierrez Moore (WI)

## ANSWERED "PRESENT"—1

Edwards (MD)

## NOT VOTING—12

Barrow Cubin Turner  
Brown-Waite, Fortuño Wilson (NM)  
Ginny Hulshof Young (AK)  
Cannon Peterson (PA)  
Castor Rush

## ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is less than 1 minute remaining in this vote.

□ 1849

Mr. CHABOT changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mr. POMEROY, Acting 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 vic-

tims of discrimination in the payment of wages on the basis of sex, and for other purposes, pursuant to House Resolution 1388, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. 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 have a motion to recommit at the desk.

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. 1338, to the Committee on Education and Labor with instructions to report the bill back to the House promptly with the following amendment:

Page 4, line 21, strike "and".

Page 4, line 24, strike the period and insert "; and".

Page 4, after line 24, insert the following:

(J) are exacerbated by the increase in the price of gasoline to unprecedented levels since January 3, 2007, and the failure of the Congress to enact meaningful reforms to lower the price of gasoline at the pump, which has a greater impact on the household budgets of those who earn less.

Page 11, line 15, strike "and";

Page 11, after line 15, insert the following:

(B) by inserting "in an amount not to exceed \$1,000 per hour" after "a reasonable attorney's fee"; and

Page 11, line 16, strike "(B)" and insert "(C)".

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

Mr. PRICE of Georgia. Mr. Speaker, equal pay for equal work is currently 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 systemic, and is a boon for trial lawyers. It also fails to address the very real challenges affecting Americans' wages and the purchasing power of their paychecks. That is why we Republicans are offering this motion to recommit, in order to expose the errors of this Democrat majority.

The first half of this motion points out the simple fact wages are being stretched thin by the price of gasoline, and this Democrat majority has repeatedly failed to take action. The

high price of gasoline is squeezing family budgets, and no one is being hit harder than working women and families. Yet, this Congress has yet to cast a vote during this energy emergency to expand exploration and production of American-made energy.

Republicans have a plan to increase production and open up access, to provide tax credits to promote clean and reliable sources of energy, and encourage conservation to ease the demand for gasoline. With this productive plan, a positive plan to open up access, provide tax credits, to promote clean and reliable sources of energy, and encourage conservation to ease demand, roadblock after roadblock has been erected in this Congress.

Exploration and development of the Outer Continental Shelf, deep sea exploration. Rejected. New refining capacity on closed military bases. Denied. Facilitating clean coal-to-liquid technologies. Absolutely not. Reduce regulations in the number of boutique fuels. Not a chance. And producing oil and gas resources in ANWR. Forget about it.

Of course, this doesn't come as a surprise to the American people or this Congress. Most of our friends across the aisle have repeatedly rejected efforts to expand domestic energy capacity. All you have to do is take a look at the record, the facts.

Exploration and development of the Outer Continental Shelf, 83 percent of House Democrats have routinely opposed it. Facilitating coal-to-liquid technologies, 78 percent of them rejected it. And producing oil and gas resources in ANWR, 86 percent of House Democrats have fought the proposal time and time again.

But maybe, just maybe, if we naively believe long enough that drilling it not necessary because all Americans need to do is inflate our tires and get a tune-up, all of these problems will go away. But they won't. And it's why the American people and Republicans are asking for one vote up or down to increase the supply of American-made energy. That is all our constituents ask and that is all we ask this Congress before we adjourn. A vote.

If the Congress is not being responsible by addressing rising energy prices, what are we doing today? Well, we are rewarding one of the majority's favorite special interests, trial lawyers.

Mr. Speaker how much time remains?

The SPEAKER pro tempore. The gentleman has 1¾ minutes remaining.

Mr. PRICE of Georgia. Thank you, Mr. Speaker.

As some have correctly described this bill, it's a boondoggle for trial lawyers. They will be able to collect unlimited, unlimited compensatory and punitive damages. This serves no legitimate purpose and turns the Equal Pay Act into a lottery.

It's why the second half of this motion is a simple, commonsense change that caps "reasonable," as described in

the bill, attorneys' fees at \$1,000 an hour. With a cap on attorneys' fees, it's the intent that lawyers would take cases based on actual discrimination 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 end up with pennies on the dollar. It's why tort costs consume approximately 2 percent, 2 percent of our entire gross domestic product, and why 10 cents of every single dollar spent on health care is attributed to the costs of liability and defensive medicine. Over \$200 billion a year.

A cap on attorneys' fees can ensure that victims of discrimination are protected, yet not without financial gain. Without a cap, trial lawyers will be able to interject, distort, and oversee how wages are determined through litigation, and all this will end up doing is increasing expenses for employers and harm current and prospective workers through lower wages and slower job creation.

Let's adopt this motion to recommit. If it's not adopted, the record will reflect that while this Congress stood by and did nothing to address the price of gasoline at the pump, we had ample time to reward trial lawyers.

I yield back.

Mr. GEORGE MILLER of California. I rise in opposition to the motion.

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

Mr. GEORGE MILLER of California. You gotta love these guys. They've argued all day that pay disparity doesn't exist in this country, in spite of all the studies by governmental agencies, by their own governmental agencies, the Department of Labor, the EEOC, and all the rest, that a woman today can still make 77 cents on the dollar for every dollar that a man earns. They've argued all day.

Now they've introduced a motion to recommit that accepts the fact of the existence of these pay disparities. They want to argue that they're exacerbated by high energy costs. We grant you that argument.

But then what do they want to do in their last act as they leave for August break? They want to suggest that a woman who has been discriminated against intentionally, unintentionally, discriminated against in pay, paid 77 cents for every dollar, or 20 cents for every, we don't know, that woman is going to have a cap on her attorneys' fees.

They put it at \$1,000 to get your blood rushing. But you know who doesn't have a cap? The employer who discriminated against that woman doesn't have a cap on their attorneys' fees. That employer doesn't have a cap of \$1,000. Is it \$1,000 if it's a complicated case and that woman needs two attorneys or three attorneys or four or five experts to prove this discrimination?

□ 1900

She has a cap on those. The employer needs five experts, no cap; five attorneys, no cap.

Your last act of discrimination in denying discrimination is to make sure that they can't recover the wages that are due them, and you ought not to be able to do this. You ought not to be able to do that on the floor of this House. You simply should not be able to do that.

This is about whether or not women will have the tools necessary to get rid of the wage discrimination that costs them money every hour, every week, every month and every year, and it follows them into their retirement. You've heard it here today. It can cost them as much as \$2 million in lost Social Security, in lost retirement benefits, in lost wages. And now they want to suggest that those women who may lose \$2 million have a cap on their ability to recover.

I hope Ms. Lilly Ledbetter is watching you guys, because now she understands what your problem was.

POINT OF ORDER

Mr. PRICE of Georgia. I have a point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. PRICE of Georgia. I know the gentleman is not interested in talking about the substance of the motion to recommit. Should not the comments be addressed—

Mr. GEORGE MILLER of California. Mr. Speaker, the subject of the amendment is discrimination against women.

The SPEAKER pro tempore. The gentleman from California will suspend.

The gentleman from Georgia, for what purpose do you rise?

Mr. PRICE of Georgia. A point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. PRICE of Georgia. The gentleman's comments should be addressed to the Chair.

The SPEAKER pro tempore. The gentleman is correct.

The gentleman from California is recognized.

Mr. GEORGE MILLER of California. I yield to the gentleman from New Jersey.

Mr. ANDREWS. The purpose of this amendment is to kill this bill. It says to the woman who makes 77 cents to drive a truck when a man makes a dollar, wait your turn. It says to a woman who shortly out of college makes 90 cents for every dollar a man who majored in the same thing makes, wait your turn. It says to women who have lost \$2 million throughout the course of their working careers, wait your turn.

If you want our sisters and our mothers and our daughters to wait their turn, vote for this motion to recommit. But if you believe, as we do, that the time is now, vote down this motion to recommit, vote for this bill, and vote

for justice for the working women of this country.

Mr. GEORGE MILLER of California. Mr. Speaker, there is no more time. Time has run out. We have seen this discrimination documented time and again in all different kinds of businesses, all different kinds of occupations. It doesn't matter your education or your experience, this discrimination exists, and we have the opportunity with this vote tonight to put an end to it, to allow these women to enforce existing law.

We don't change the law. We give them the right to enforce the law. And if they don't have that right, they have no justice and the law means nothing. That is why we continue to see tens of thousands of cases of wage discrimination where women can't afford to go in and recover the wages.

I ask my colleagues to vote down this motion to recommit and with great pride vote for final passage of this legislation to end wage discrimination, and with that vote to recognize the phenomenal work of ROSA DELAURO in seeking out justice for women all across this country.

I yield back the balance of my time.

#### PARLIAMENTARY INQUIRY

Mr. WESTMORELAND. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Should this motion pass, it could be recommitted back to the committee from which it came and brought forth on the next legislative day?

The SPEAKER pro tempore. As the Chair has reaffirmed on November 15, 2007, at some subsequent time, the committee could meet and report back the bill to the House.

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.

#### RECORDED VOTE

Mr. PRICE of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was 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, and the motion to suspend on H.R. 6633.

The vote was taken by electronic device, and there were—ayes 189, noes 236, not voting 9, as follows:

[Roll No. 555]

#### AYES—189

Aderholt	Barton (TX)	Boehner
Akin	Biggart	Bonner
Alexander	Bilbray	Bono Mack
Bachmann	Bilirakis	Boozman
Bachus	Bishop (UT)	Boustany
Barrett (SC)	Blackburn	Brady (TX)
Bartlett (MD)	Blunt	Broun (GA)

Brown (SC)	Hensarling
Buchanan	Herger
Burgess	Hobson
Burton (IN)	Hoekstra
Buyer	Hunter
Calvert	Inglis (SC)
Camp (MI)	Issa
Campbell (CA)	Johnson, Sam
Cantor	Jones (NC)
Capito	Jordan
Carter	Keller
Castle	King (IA)
Cazayoux	King (NY)
Chabot	Kingston
Coble	Kirk
Cole (OK)	Kline (MN)
Conaway	Knollenberg
Crenshaw	Kuhl (NY)
Culberson	LaHood
Davis (KY)	Lamborn
Davis, David	Latham
Davis, Tom	LaTourette
Deal (GA)	LatTA
Dent	Lewis (CA)
Diaz-Balart, L.	Lewis (KY)
Diaz-Balart, M.	Linder
Drake	LoBiondo
Dreier	Lucas
Duncan	Lungren, Daniel E.
Ehlers	Mack
Emerson	Manzullo
English (PA)	Marchant
Everett	McCarthy (CA)
Fallin	McCaul (TX)
Feeney	McCotter
Ferguson	McCrery
Flake	McHenry
Forbes	McHugh
Fortenberry	McKeon
Fossella	McMorris
Fox	Rodgers
Franks (AZ)	Mica
Frelinghuysen	Miller (FL)
Gallegly	Miller (MI)
Garrett (NJ)	Miller, Gary
Gerlach	Moran (KS)
Gilchrest	Murphy, Tim
Gingrey	Musgrave
Gohmert	Myrick
Goode	Neugebauer
Goodlatte	Nunes
Granger	Paul
Graves	Pearce
Hall (TX)	Pence
Hastings (WA)	Peterson (PA)
Hayes	Petri
Heller	

#### NOES—236

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

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

#### NOT VOTING—9

Brown-Waite,	Hulshof	Wilson (NM)
Ginny	Kilpatrick	Young (AK)
Cannon	Rush	
Cubin	Turner	

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded that they have less than 2 minutes remaining on this vote.

□ 1922

Messrs. HOYER and COHEN changed their vote from "aye" to "no."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. HOYER was allowed to speak out of order.)

#### LEGISLATIVE PROGRAM

Mr. HOYER. Ladies and gentlemen of the House, I know that all of you are concerned about the schedule. There was some hope that we would be able to get out late tonight. We have been unable to reach an accord on unanimous consent on the adjournment resolution. As you know, the Senate has not passed an adjournment resolution. As a result of that, we will be here tomorrow. So we are going to proceed in the following way: We will have no further votes tonight. I have discussed that with the minority, and they are not going to be asking for votes on amendments, and so we will be having no further votes tonight.

We will meet tomorrow at 9. We will be considering whatever amendments and the Military Construction and Veterans bill, we will vote on that. We will then have a rule on the adjournment resolution, and that will be the balance of our business.

It is my hope, again, not knowing what might transpire during the course

of the day, that we would be able to complete the business that will be before us before 1 o'clock tomorrow, perhaps earlier, again, depending upon how many votes we have and what action is taken on the floor. I wanted all the Members to know that.

Mr. BLUNT. If the gentleman would yield.

Mr. HOYER. I yield to the Republican Whip.

Mr. BLUNT. If I heard the gentleman correctly; you said that there would be no more votes tonight. But there will be one more vote tonight.

Mr. HOYER. Exactly.

Mr. BLUNT. We will finish up this bill.

Mr. HOYER. There are two votes apparently left.

Mr. BLUNT. Two more votes tonight. And then we go to debate the Military Construction-Veterans Affairs bill and all the amendments, with no votes anticipated tonight.

Mr. HOYER. That is correct.

Mr. FRANK. Would the gentleman yield?

Mr. HOYER. I yield to my friend from Massachusetts.

Mr. FRANK. I have a minor correction to the leader. There will be no more votes on the floor, but there will be five more votes in the Committee of Financial Services so we can get it done. So please come back.

Mr. HOYER. I thank the gentleman, not only for his announcement, but for the hard work of he and his committee.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will resume. There was no objection.

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. ANDREWS. 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 247, noes 178, not voting 9, as follows:

[Roll No. 556]

#### AYES—247

Abercrombie	Boyd (KS)	Cooper
Ackerman	Brady (PA)	Costa
Allen	Braley (IA)	Costello
Altmire	Brown, Corrine	Courtney
Andrews	Butterfield	Cramer
Arcuri	Capps	Crowley
Baca	Capuano	Cuellar
Baird	Cardoza	Cummings
Baldwin	Carnahan	Davis (AL)
Barrow	Carney	Davis (CA)
Bean	Carson	Davis (IL)
Becerra	Castle	Davis, Lincoln
Berkley	Castor	DeFazio
Berman	Cazayoux	DeGette
Berry	Chandler	Delahunt
Bishop (GA)	Childers	DeLauro
Bishop (NY)	Clarke	Dent
Blumenauer	Clay	Diaz-Balart, L.
Boren	Cleaver	Diaz-Balart, M.
Boswell	Clyburn	Dicks
Boucher	Cohen	Dingell
Boyd (FL)	Conyers	Doggett

Donnelly	Larsen (WA)	Rothman	McCaul (TX)	Platts	Shuster
Doyle	Larson (CT)	Roybal-Allard	McCotter	Poe	Simpson
Edwards (MD)	Lee	Ruppersberger	McCrery	Price (GA)	Smith (NE)
Edwards (TX)	Levin	Ryan (OH)	McHenry	Pryce (OH)	Smith (TX)
Ellison	Lewis (GA)	Salazar	McHugh	Putnam	Souder
Ellsworth	Lipinski	Sánchez, Linda T.	McKeon	Radanovich	Stearns
Emanuel	Loebsock	Sanchez, Loretta	McMorris	Regula	Sullivan
Engel	Lofgren, Zoe	Sarbanes	Rodgers	Rehberg	Tancred
English (PA)	Lowey	Schakowsky	Mica	Renzi	Terry
Eshoo	Lynch	Schiff	Miller (FL)	Reynolds	Thornberry
Etheridge	Mahoney (FL)	Schwartz	Miller (MI)	Rogers (AL)	Tiahrt
Farr	Maloney (NY)	Scott (GA)	Miller, Gary	Rogers (KY)	Tiberi
Fattah	Markey	Scott (VA)	Moran (KS)	Rogers (MI)	Upton
Filner	Marshall	Serrano	Murphy, Tim	Rohrabacher	Walberg
Foster	Matheson	Sestak	Musgrave	Roskam	Walden (OR)
Frank (MA)	Matsui	Shays	Myrick	Royce	Walsh (NY)
Gerlach	McCarthy (NY)	Shea-Porter	Neugebauer	Ryan (WI)	Wamp
Giffords	McCollum (MN)	Sherman	Nunes	Sali	Weldon (FL)
Gilchrest	McDermott	Shuler	Paul	Saxton	Weller
Gillibrand	McGovern	Sires	Pearce	Scalise	Westmoreland
Gonzalez	McIntyre	Skelton	Pence	Schmidt	Whitfield (KY)
Gordon	McNerney	Slaughter	Peterson (PA)	Sensenbrenner	Wilson (SC)
Green, Al	McNulty	Smith (NJ)	Petri	Sessions	Wittman (VA)
Green, Gene	Meek (FL)	Smith (WA)	Pickering	Shadegg	Wolf
Grijalva	Meeks (NY)	Snyder	Pitts	Shimkus	Young (FL)
Gutierrez	Melancon	Solis			
Hall (NY)	Michaud	Space			
Hare	Miller (NC)	Speier			
Harman	Miller, George	Spratt			
Hastings (FL)	Mitchell	Stark			
Hayes	Mollohan	Stupak			
Herseht Sandlin	Moore (KS)	Sutton			
Higgins	Moore (WI)	Tanner			
Hill	Moran (VA)	Tauscher			
Hinchev	Murphy (CT)	Taylor			
Hinojosa	Murphy, Patrick	Thompson (CA)			
Hirono	Murtha	Thompson (MS)			
Hodes	Nadler	Tierney			
Holden	Napolitano	Towns			
Holt	Neal (MA)	Tsongas			
Honda	Oberstar	Udall (CO)			
Hooley	Obey	Udall (NM)			
Hoyer	Oliver	Van Hollen			
Inslee	Ortiz	Velázquez			
Israel	Pallone	Visclosky			
Jackson (IL)	Pascarell	Walz (MN)			
Jackson-Lee	Pastor	Wasserman			
(TX)	Payne	Schultz			
Jefferson	Perlmutter	Waters			
Johnson (GA)	Peterson (MN)	Watson			
Johnson, E. B.	Pomeroy	Watt			
Jones (OH)	Porter	Waxman			
Kagen	Price (NC)	Weiner			
Kanjorski	Rahall	Welch (VT)			
Kaptur	Ramstad	Wexler			
Kennedy	Rangel	Wilson (OH)			
Kildee	Reichert	Woolsey			
Kind	Reyes	Wu			
Klein (FL)	Richardson	Yarmuth			
Kucinich	Rodriguez				
Lampson	Ros-Lehtinen				
Langevin	Ross				

#### NOES—178

Aderholt	Conaway	Hensarling
Akin	Crenshaw	Heger
Alexander	Culberson	Hobson
Bachmann	Davis (KY)	Hoekstra
Bachus	Davis, David	Hunter
Barrett (SC)	Davis, Tom	Inglis (SC)
Bartlett (MD)	Deal (GA)	Issa
Barton (TX)	Doolittle	Johnson (IL)
Biggert	Drake	Johnson, Sam
Bilbray	Dreier	Jones (NC)
Bilirakis	Duncan	Jordan
Bishop (UT)	Ehlers	Keller
Blackburn	Emerson	King (IA)
Blunt	Everett	King (NY)
Boehner	Fallin	Kingston
Bonner	Feeney	Kirk
Bono Mack	Ferguson	Kline (MN)
Boozman	Flake	Knollenberg
Boustany	Forbes	Kuhl (NY)
Brady (TX)	Fortenberry	LaHood
Broun (GA)	Fossella	Lamborn
Brown (SC)	Fox	Latham
Buchanan	Franks (AZ)	LaTourette
Burgess	Frelinghuysen	Latta
Burton (IN)	Gallagher	Lewis (CA)
Buyer	Garrett (NJ)	Lewis (KY)
Calvert	Gingrey	Linder
Camp (MI)	Gohmert	LoBiondo
Campbell (CA)	Goode	Lucas
Cantor	Goodlatte	Lungren, Daniel E.
Capito	Granger	Mack
Carter	Graves	Manzullo
Chabot	Hall (TX)	Marchant
Coble	Hastings (WA)	McCarthy (CA)
Cole (OK)	Heller	

McCaul (TX)	Platts	Shuster
McCotter	Poe	Simpson
McCrery	Price (GA)	Smith (NE)
McHenry	Pryce (OH)	Smith (TX)
McHugh	Putnam	Souder
McKeon	Radanovich	Stearns
McMorris	Regula	Sullivan
Rodgers	Rehberg	Tancred
Mica	Renzi	Terry
Miller (FL)	Reynolds	Thornberry
Miller (MI)	Rogers (AL)	Tiahrt
Miller, Gary	Rogers (KY)	Tiberi
Moran (KS)	Rogers (MI)	Upton
Murphy, Tim	Rohrabacher	Walberg
Musgrave	Roskam	Walden (OR)
Myrick	Royce	Walsh (NY)
Neugebauer	Ryan (WI)	Wamp
Nunes	Sali	Weldon (FL)
Paul	Saxton	Weller
Pearce	Scalise	Westmoreland
Pence	Schmidt	Whitfield (KY)
Peterson (PA)	Sensenbrenner	Wilson (SC)
Petri	Sessions	Wittman (VA)
Pickering	Shadegg	Wolf
Pitts	Shimkus	Young (FL)

#### NOT VOTING—9

Brown-Waite,	Hulshof	Wilson (NM)
Ginny	Kilpatrick	Young (AK)
Cannon	Rush	
Cubin	Turner	

□ 1933

The SPEAKER pro tempore (Ms. SLAUGHTER). On this vote—we're making history here—the yeas are 247, the nays are 178. The bill is passed and without objection the motion to reconsider is laid on the table.

#### POINT OF ORDER

Mr. PRICE of Georgia. Madam Speaker, point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. PRICE of Georgia. Madam Speaker, is the Speaker not supposed to be an impartial presiding officer in this body?

The SPEAKER pro tempore. You are right, Mr. PRICE. I was a bit exuberant. But after 30 years of working on this—

Mr. PRICE of Georgia. Madam Speaker, point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. JACKSON of Illinois). Without objection, 5-minute voting will continue.

There was no objection.

#### EMPLOYEE VERIFICATION AMENDMENT ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 6633, 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 motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the bill, H.R. 6633.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 2, answered "present" 4, not voting 21, as follows: