

tyranny of government or the mob, and helping to organize our society for the good of all. No Justice should substitute his or her personal preferences and overrule congressional efforts to protect hardworking Americans pursuant to our constitutional role.

I am looking forward to meeting with President Obama tomorrow to discuss his selection of a nominee to succeed Justice Stevens. Then, and in any private discussions, I will suggest that he pick someone who approaches every case with an open mind and a commitment to fairness. Someone who will heed the Vermont marble inscribed above the entrance of the Supreme Court which pledges "Equal Justice Under Law." Someone like Justice John Paul Stevens.

#### EQUAL PAY DAY

Mr. LEAHY. Mr. President, today is Equal Pay Day: After 16 months of work, professional women today will finally have earned what their male counterparts earned in just 12 months of work last year. It is shameful that gender discrimination still exists in our country, and I hope today will serve as an important reminder that we must redouble our efforts to fully close the wage gap.

Forty-six years have passed since the Equal Pay Act was enacted, yet the disparity between women's and men's salaries stubbornly remains. Congress passed title VII of the Civil Rights Act to protect employees against discrimination with respect to compensation because of an individual's race, color, religion, sex or national origin. Unfortunately, a narrow ruling by the Supreme Court in 2008 meant that those who are subject to pay discrimination have no claim to remedies unless a suit is filed no more than 180 days after the pay discrimination first takes place, even if they were unaware of the discriminatory pay. This ruling eroded longstanding interpretation of discrimination laws and created a new obstacle for victims of pay discrimination to receive justice.

Last year, the new Congress achieved what could not be done before: We enacted the "Lilly Ledbetter Fair Pay Act", which I was proud to cosponsor with Senators MIKULSKI, KENNEDY and others. This bill restored victim's ability to file suit for pay discrimination and became the first bill President Obama signed into law. Lilly Ledbetter, the courageous woman who was the subject of decades of pay discrimination, continues to fight to ensure other women do not experience the same wage disparity she did for so many years. Lilly visited Vermont last fall as the keynote speaker at the Women's Economic Conference I host every year. Vermonters who attended that conference have written me and stopped me in the street to tell me how much her story meant to them. I hope Lilly continues to speak to inspire thousands more women to pursue pay equity.

The "Lilly Ledbetter Fair Pay Act" was an important first step in supporting equal pay for equal work, but our efforts must not stop there. Today, women are still paid just 77 cents on average for every dollar a man makes. Over the course of a woman's career, the pay gap will mean between \$400,000 and \$2 million in lost wages. Eight years ago Vermont acted to pass an equal pay act, which prohibits paying female or male workers differently for equal work that requires equal skill, effort, and responsibility under similar working conditions. Now in Vermont, employers cannot require wage non-disclosure agreements and employees are protected from retaliation for disclosing their own wage. As a result, Vermont leads the country in having one of the narrowest wage gaps between women and men. Today, in celebration of Equal Pay Day, Vermont's Business & Professional Women and the Vermont Commission on Women will join their member organizations at the Vermont State House for a proclamation signing and discussion of important issues relative to women.

Two bills awaiting action in the Senate include provisions similar to those enacted in Vermont. The "Paycheck Fairness Act", originally introduced by Senator Clinton, of which I am an original cosponsor, creates stronger incentives for employers to follow the law, strengthens penalties for equal pay violations, and prohibits retaliation against workers for disclosing their own wage information. This bill passed the House with bipartisan support more than a year ago and deserves action in the Senate. The "Fair Pay Act", introduced by Senator HARKIN—another bill that I cosponsor—requires employers to pay equally for jobs of comparable skill, efforts and working conditions and requires employers to disclose pay scales and rates for all job categories at a given company. To effectively close the wage gap we must address the systemic problems that are resulting in pay disparities. I believe both these bills are essential steps to closing the wage gap.

This is not a Democratic or Republican issue but an issue of inherent fairness. Sadly, wage discrimination affects women of every generation and every socioeconomic background and is not limited to one career path or level of education. We should pass the "Paycheck Fairness Act" and the "Fair Pay Act" and work toward other solutions to ensure our daughters and granddaughters are not subject to the same discrimination that has burdened American women for decades.

Ms. MIKULSKI. Mr. President, I rise today to bring attention to Equal Pay Day. It is today, April 20, that represents how long women had to work into 2010 to earn what men made in 2009. It is an unfortunate occasion.

Women make this country run—we are business leaders, entrepreneurs, politicians, mothers and more. But we earn just 78 cents for every dollar our

male counterpart makes. Women of color get paid even less.

As a U.S. Senator, I am fighting for jobs today and jobs tomorrow. I am on the side of a fair economy and I am the side of good-guy businesses. We need an economy that works for everyone.

I was proud to sponsor the Lilly Ledbetter Fair Pay Act in the Senate, and even prouder to stand next to President Obama as he signed his first bill into law. This law overturns the Supreme Court's decision in *Ledbetter v. Goodyear Tire & Rubber Co.* so that the laws against pay discrimination apply to every paycheck or other compensation a worker receives. This protects victims of discrimination and allows them to file a lawsuit any time that they find they have been treated unfairly.

But more needs to be done. The next step is the Paycheck Fairness Act. This bill will help close the wage gap between men and women. It will help empower women to negotiate for equal pay, create strong incentives for employers to obey the laws already in place, and strengthen enforcement.

It is time to recommit to closing the wage gap. From the day I first entered Congress I have worked hard to guarantee equality to everyone under the law. I firmly believe that all forms of discrimination should be prohibited. I believe people should be judged by their individual skills, competence, unique talents and nothing else. And once you get that job because of your skills and talents you better get equal pay for equal work. It is time to tell all of those who have suffered wage discrimination—it is a new day.

Mr. HARKIN. Mr. President, today Americans are observing Equal Pay Day. It is the date that marks the 110 extra days that women must work into 2010 in order to equal what men earned in 2009.

In 1963, responding to the fact that the 25 million female workers in our workforce earned just 60 percent of the average pay for men, Congress enacted the Equal Pay Act to end this brazen yet widely tolerated discrimination.

Over the past 47 years, we have made progress towards the great goal of equal pay for women. But, progress has been stalled in the last decade. As we observe Equal Pay Day this year, it is a sad fact that too many women in this country still do not get paid what men do for the exact same work. On average, a woman makes only 77 cents for every dollar that a man makes. The circumstances are even worse for Latinas and women of color.

This is wrong and unjust. But, even more, it threatens the economic security of our families. Millions of Americans are dependent on a woman's paycheck just to get by, put food on the table, pay for child care, and deal with rising health care bills. Two-thirds of mothers bring home at least a quarter of their family's earnings. In many families, the woman is the sole breadwinner. And, during the latest economic downturn, more men have lost

jobs than women, making households even more dependent than ever on women's earnings.

The fact is, America's women are working harder than ever, but they are not being fairly compensated for their contributions to our economy. On average, women lose an estimated \$700,000 over their lifetimes due to unequal pay practices, and this inequality means real hardships for their families.

And, while many factors influence a worker's earnings—including educational attainment, work experience, and family status—even when controlling for many of these variables, a substantial portion of the wage gap cannot be explained by anything but discrimination.

This issue is highlighted by the experience of Lilly Ledbetter. Over nearly two decades of work, Lilly received performance awards and outstanding reviews. Yet, late in her career, she learned, through an anonymous note, that she had been paid significantly less than men in the company doing the exact same job. When she sued, a jury reviewed the evidence and concluded that she was paid less because of her gender.

Outrageously, the Supreme Court reversed the jury's verdict. They held that, even though Lilly's company, like so many others that discriminate, do so covertly and do not reveal what male workers earn, Lilly somehow should have known that she had been discriminated against within 180 days of when she was hired. Because workers like Lilly do not learn of pay inequities for years, the decision left no recourse for her and for other victims of wage discrimination.

Largely because of Lilly's determination to win justice for women, the first legislation passed by Congress and signed into law by President Obama was the Lilly Ledbetter Fair Pay Act. Very simply, this law reversed the Court's severely flawed decision.

We celebrate enactment of this important law, but we must recognize that it was only a first step. We need to do much more.

First, there are too many loopholes and too many barriers to effective enforcement of existing laws. That is why I strongly support the Paycheck Fairness Act. This bill—sponsored by Senator DODD, Senator MIKULSKI, and Representative ROSA DE LAURO—would strengthen penalties for discrimination and give women the tools they need to identify and confront unfair treatment.

In January, the House of Representatives passed the bill overwhelmingly on a bipartisan basis. And, last month, the Senate Health, Education, Labor, and Pensions Committee, which I chair, held a hearing on this long-overdue bill. I hope that the Senate can pass the bill and send it to the President's desk this year.

In addition, we must recognize that the problem of unequal pay goes beyond insidious discrimination. As a nation, we unjustly devalue jobs tradi-

tionally performed by women, even when they require comparable skills to jobs traditionally performed by men. Why is a housekeeper worth less than a janitor? Why is a parking meter reader worth less than an electrical meter reader? To address this more subtle discrimination, last year on Equal Pay Day I introduced the Fair Pay Act to ensure that employers provide equal pay for jobs that are equivalent in skill, effort, responsibility and working conditions.

My bill would also require employers to publicly disclose their job categories and their pay scales, without requiring specific information on individual employees. Giving people better bargaining information in the first place will help alleviate the need for costly litigation by giving employees the leverage they need to have informed pay discussions with their employers. Right now, women who suspect pay discrimination must file a lawsuit and go through a drawn out legal discovery process to find out whether they make less than the man working beside them.

With pay statistics readily available, this expensive process could be avoided. In fact, I asked Lilly Ledbetter: If the Fair Pay Act had been law, would it have prevented her wage discrimination case? She made clear that, if she had been aware of the information about pay scales that the bill provides, she would have known she was a victim of sex discrimination.

The Fair Pay Act removes many of the systematic barriers that lead to unequal pay. We must act this year to pass this important legislation to eliminate the longstanding biases that prevent America's women workers from achieving true equality in the workplace.

On this Equal Pay Day, let us recommit ourselves to eliminating discrimination in the workplace and ensuring that all Americans receive equal pay for equal work. America's working women—and the families that rely on them—deserve fairness on the job. And, let me be clear, as chairman of the Health, Education, Labor, and Pensions Committee, I pledge to fight pay discrimination until we have achieved true equality in the workplace and there is no longer a need to observe Equal Pay Day.

#### NATIONAL CRIME VICTIMS' RIGHTS WEEK

Mr. LEAHY. Mr. President, this past Sunday marked the start of National Crime Victims' Rights Week. Since 1981, people across the Nation have observed this week with candlelight vigils and public rallies to renew our commitment to crime victims and their families. It is vitally important that we recognize the needs of crime victims and their family members, and work together to promote victims' rights and services.

My involvement with crime victims began more than three decades ago

when I served as State's attorney in Chittenden County, VT, and witnessed first-hand how crime can devastate victims' lives. I have worked ever since to ensure that the criminal justice system is one that respects the rights and dignity of victims of crime, rather than one that presents additional ordeals for those already victimized.

I was honored to support the passage of the Victims of Crime Act of 1984, VOCA, which has been the principal means by which the Federal Government has supported essential services for crime victims and their families. This critical piece of legislation provides grants for direct services to victims, such as State crime victim compensation programs, emergency shelters, crisis intervention, counseling, and assistance in participating in the criminal justice system. These services are entirely funded from a reserve fund created from criminal fines and penalties, and are provided without a single dime of funding from Federal taxpayers.

I have worked hard over the years to protect the Crime Victims Fund. State victim compensation and assistance programs serve nearly 4 million crime victims each year, including victims of violent crime, domestic violence, sexual assault, child abuse, elder abuse, and drunk driving. Several years ago, we made sure the fund had a "rainy day" capacity so that in lean years, victims and their advocates would not have to worry that the Crime Victims Fund would run out of money, leaving them stranded. More recently, an annual cap has been set on the level of funding to be spent from the fund in a given year. When this cap was established, and when President Bush then sought to empty the Crime Victims Fund of unexpended funds, I joined with Senator CRAPO and others from both political parties to make sure that the Crime Victims Fund was preserved. These resources are appropriately set aside to assist victims of crime and their families. We have had to work hard to protect the Crime Victims Fund, and I have consistently supported raising the spending cap to allow more money out of the fund and into the field.

As we observe Crime Victims' Rights Week, I would like to highlight a program in Vermont that has developed a unique and innovative approach to supporting victims of crime. In 2006, I was pleased to help the Vermont Center for Crime Victim Services secure funding to design and implement the Burlington Parallel Justice Project. This program addresses the limitations of traditional criminal justice and restorative justice models, and represents a collaborative approach to repair the harm caused by crime. Under this program representatives from different sectors of the community, from government to law enforcement to service providers to local business, come together to address the needs of crime victims in a comprehensive manner.