

gives small food facilities additional time to comply with the new food safety practices and guidelines. In addition, the legislation also requires the FDA to coordinate its outreach activities with the National Institute of Food and Agriculture of the U.S. Department of Agriculture, USDA, in order to educate and train growers and small food facilities about the new requirements from this bill.

Finally, I wanted to address concerns raised by the Utah farming community, particularly small farmers. First, this bill preserves the current jurisdictional separation between the USDA and the FDA. In other words, this bill does not change those who are currently subject to USDA regulation versus those who are subject to FDA regulation under the existing laws. Second, this bill does not change the existing definition of a facility currently required to register with the FDA. This means that farms that are currently exempt from registering with the FDA under the Bioterrorism Act of 2002 continue to remain exempt. Finally, small entities that produce food for their own consumption or market directly to consumers or restaurants are not subject to registration or the new recordkeeping requirements under this bill. This includes food sold through farmers' markets, personal or backyard gardens, bake sales, public events and organizational fundraisers.

Unfortunately with all those great provisions that I just mentioned, there is still one major concern that I cannot overlook, the cost of the bill. The Congressional Budget Office, CBO, has estimated that the legislation will cost \$1.4 billion over 5 years. We need to rein in the out-of-control government spending, especially in today's fiscal environment. We simply cannot continue to drive up the national debt. We cannot sustain trillion-dollar deficits. More government spending will push the Nation over a precipice from which we may not be able to recover.

Even though this spending is discretionary, it troubles me that if future appropriations are not sufficient to cover the cost of the bill, Congress would be unintentionally giving the FDA an unfunded mandate. If this happens, the FDA would either simply not be able to live up to its new responsibilities or would be forced to shift funds from other important and already strapped agency programs like the regulation of prescription drugs, medical devices, and/or biologics. The latter could cause significant harm to the American public. So it is with deep regret that I cannot support S. 510 without it being paid for. However, I am committed to working with my Senate colleagues to find ways to offset the cost of the bill.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

BALANCED BUDGET AMENDMENT

Mr. CORNYN. Mr. President, I want to briefly draw attention to a resolution that the conference of Republican Senators and Senators-elect adopted yesterday, one that I think fits the times we are living in, one which has seen historic levels of Federal spending and debt and deficits, as well as unsustainable debt that will be inherited by our children and grandchildren, unless we take responsibility for it.

This resolution, I think, would demonstrate the seriousness that we would have as a Congress to get our Nation's fiscal house in order. This resolution reads:

It is Resolved by the United States Senate Republican conference:

That a Balanced Budget Amendment to the United States Constitution is necessary to restore fiscal discipline to our Republic;

That a Balanced Budget Amendment should require the President to submit to Congress a proposed budget prior to each fiscal year in which total federal spending does not exceed total federal revenue;

That a Balanced Budget Amendment should include a requirement that a supermajority of both houses of Congress be necessary to increase taxes;

That a Balanced Budget Amendment should include a limitation on total federal spending.

I thank the 20 Republican Senators and Senators-elect who cosponsored this resolution and the members of the conference who voted to adopt it. Let me share with you a few factoids that I think will demonstrate the compelling nature of this joint resolution and constitutional amendment.

In fiscal year 2010, our deficit was \$1.3 trillion or 8.9 percent of the gross domestic product. That is actually down from 9.9 percent in fiscal year 2009, but certainly nothing to celebrate. The Congressional Budget Office baseline estimates that Federal deficits will average \$605 billion each year through 2020, and the budget that the President submitted to us this year, itself, if implemented, would call for an average of \$1 trillion of deficit each year for the next 10 years.

We know that the Budget Act passed by Congress, signed by the President, requires the President of the United States to submit his budget by the first Monday in February. I can tell you that I am anxiously awaiting to see in that budget proposal submitted by the President by the first Monday in February his commitment to fiscal discipline—now particularly since the American people have spoken so loudly and clearly about their concerns over reckless spending and endless debt.

We know a balanced budget amendment actually works, because virtually every State in the Nation has one, including my State of Texas. Only the Federal Government has no requirement of a balanced budget and can spend huge deficits and borrow money it does not have. No family in America, or small business, when income goes down, can continue to spend at the same level. They have to live within

their means. So should the U.S. Government.

We also know that a balanced budget amendment is popular with the public. A recent referendum held by Florida voters showed that 71 percent approved a nonbinding resolution supporting a balanced budget amendment. We have had votes in the Senate on this not that long ago. I believe it was in 1997, so I will let you judge whether it was long ago. Sixty-six Senators at the time voted in favor of a balanced budget amendment or 1 shy of the two-thirds necessary, including 11 colleagues on the other side of the aisle, demonstrating the bipartisan support for a balanced budget amendment.

It is important to note that at that time, when 66 Senators voted on a bipartisan basis for a balanced budget amendment, the deficit was only 1.4 percent of GDP. Today, it is 8.9 percent. I think if a balanced budget amendment was a good idea—at least in the minds of 66 Senators—in 1997, it is even a better idea today. So I hope colleagues on both sides of the aisle will join with me to offer ideas on drafting this joint resolution.

Of course, as you know, under Article V of the Constitution of the United States, a constitutional amendment can emanate from Congress itself with a two-thirds vote or it can be the result of a constitutional convention. Under either circumstance, three-quarters of the States would be necessary to ratify it. I think if Republicans and Democrats can listen to the voice of the American people and get behind a joint resolution, it will restore some of the public's lost confidence in our ability and our willingness both to heed their voice and also live up to our responsibility.

I think a balanced budget amendment would be a big step forward in the cause of fiscal discipline but, of course, not the only step. As the cochairs of the President's debt commission have already indicated, we need other measures. One that caught my eye they called a "cut and invest committee," charged with trimming waste and targeting investment. They noticed a good example at the State level, in my State of Texas, where we have a sunset commission that requires, every 10 years, every State agency to go through a process to determine whether the programs and the agency itself continue to have good reason to exist at the spending levels authorized.

We need something such as that, which will provide a tremendous ability for us to have additional tools to contain costs and avoid wasteful spending. To that end, I have put forth a model of the bill of the Texas sunset commission, called the United States Authorization and Sunset Commission Act. I urge my colleagues to take a look at that, and I can assure you that, come January, when we have a new Congress, I will offer that legislation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

PAYCHECK FAIRNESS

Ms. MIKULSKI. Mr. President, I rise to speak on paycheck fairness, a bill on which we will be voting on cloture. The paycheck fairness bill picks up where the famous Lilly Ledbetter bill left off. I was so proud to lead the fight on the Senate floor 2 years ago, under a new Congress and a new President, to ensure that we righted the wrong of a Supreme Court decision, where Lilly Ledbetter, on behalf of American women everywhere, would be assured that she could get equal pay for equal or comparable work. The Congress responded well and that legislation is now the law of the land.

The paycheck fairness bill picks up where Ledbetter left off, because Ledbetter left the courthouse door open to sue for discrimination. Paycheck fairness makes it more difficult to discriminate in the first place; it increases penalties for discrimination; prohibits employer retaliation for sharing pay information; it closes the loophole that allows for a broad defense in equal pay cases.

Let me go through this one by one. It improves remedies where discrimination has occurred. Current law now says that women can only sue for back pay and fixed damages. The paycheck fairness bill would allow women to get additional compensatory damage, which makes up for the injury or harm suffered based on discrimination. Ledbetter had no provisions regarding that. Also, so crucial is that it prohibits employer retaliation—and, wow, does this go on in the workplace.

Under current law, employers can sue or actually punish employees for sharing salary statements and information with coworkers. This is usually the way employees find out that they are being discriminated against. In the famous Supreme Court hearing, some of our Supreme Court Justices, who bragged that they don't know what a BlackBerry is, gave women the raspberries when they said women should know they are being discriminated against, but you cannot even talk at the water cooler, or down in the office gym, and say: I get paid this; what are you getting paid for the same job?

What paycheck fairness will now do is prohibit employers from taking action against employees who simply share information about what they are getting paid. This was not included in the Ledbetter Act. It clarifies that any factor other than a sex offense—right now, an employer can assert a defense that the pay differential is based on a factor other than sex. Courts can interpret this broadly, and a number of factors are limited. What the paycheck fairness bill does is tighten that loophole by requiring that the differential is truly caused by something other than sex or gender or is related to job

performance that is necessary for the business. Ledbetter did not address that loophole. By the way, I know that the specter of small business is always raised, but I say to my colleagues that small businesses with revenue of less than \$500,000 are exempt from the Equal Pay Act. That means that paycheck fairness maintains that exemption. That is how it takes Ledbetter one step farther. It gives women the tools to begin to know what they are being paid—or people of ethnic minorities, et cetera.

Why is this important? First, it is fundamental fairness. You ought to be paid equal pay for equal or comparable work. It is fundamentally fair. If the same people are doing the job with the same skills and background, they ought to get the same pay. It affects a family's paycheck; it affects their pension; it affects their whole way of life. Right now, equal pay is actually critical to economic recovery. It is one of the ways that we can make sure the family checkbook is increased based on merit.

Some people say: Oh, well, why do you need another bill, Senator Barb? Women already have enough tools to fight discrimination. Well, we haven't fixed everything. And here, I think this bill is simple and achievable with the small business exemption that will do that.

When the Equal Pay Act was passed in 1963, women earned merely 59 cents on every dollar earned by men. We have made progress. In 47 years, we have now come up to 77 cents for every dollar that men make. It only took us 43 years to get an 18-cent increase. Well, I think times are changing. Women are now more in the workplace, and women are now often the sole or primary source of income. Creating a wage gap is not the way to improve the health of a family or the health of our community.

I could go through a lot of statistics about what that means, but I simply want to say to my colleagues that with many Americans already earning less, we need to make sure that the family budget is based on people being able to get paid for what they do and to make work worth it and make wage compensation fair.

I think the facts speak for themselves as to why this bill is necessary. I think the bill itself is a very specific, achievable, narrowly drawn bill, and I urge my colleagues to vote for cloture.

Mr. DODD. Mr. President, I rise today to speak on the Paycheck Fairness Act, a critically important bill to guarantee women equal pay for equal work. I am proud to lead the effort in the Senate to pass this legislation, which my dear friend and colleague ROSA DELAURO has already shepherded through the House of Representatives.

I am pleased that the Senate is finally considering this commonsense legislation and am grateful to the majority leader for his strong support and his recognition of how important this bill is to American families.

Americans must be assured of equity in the workplace. Unfortunately, the fundamental principle of equal pay for equal work has yet to be realized in this country. In my view, it is high time that Congress step in to remedy this injustice.

Despite passage of the Equal Pay Act over 40 years ago, which was intended to ensure that women are paid the same as their male counterparts, a large wage gap still persists. Women are paid, on average, just 77 cents for every dollar earned by a man. To put it another way, the pay gap means that the average woman is paid more than \$10,000 less per year than she deserves. The gap is even larger in the African American and Hispanic communities, with black women earning 70 cents and Hispanic women earning merely 67 cents for every dollar a man earns. In my view, it is an outrage that in the year 2010 we are still not treating women as equals in the workplace.

Even a college education doesn't suffice to correct this inequality. In my home State of Connecticut, the median wage for a woman with a bachelor's degree is \$55,000—which puts her on par with a man who only has a high school diploma. This wage gap means that, cumulatively, a working woman will be shortchanged by \$400,000 to \$2 million over her lifetime in lost wages, pensions, and Social Security benefits.

Now, some will argue that the wage gap is a product of the choices women make, such as what they study in college, what field they pursue careers in, and whether to take time off to raise their children. But study after study has corrected for every possible variable, and still has found that only part of the wage gap can be explained by measurable factors. The rest of the gap is a result of discrimination in the workplace. One study compared men and women who had pursued the same majors, attended equally good schools, and were entering the same industry, and found that women are already paid less than these identically qualified men just one year out of college.

This is not just a matter of fairness but of economic necessity. Every dollar that women are shortchanged means a dollar less spent in her community, to take care of her family. The problem is particularly acute during the current economic recession, in which women are increasingly the primary or sole breadwinners for their families. Since the recession began, approximately 70 percent of jobs lost were jobs that had been held by men. In the typical married-couple family, this translates into forcing the family to survive on just 42 percent of its former income. This means families have less money to spend on everything—groceries, going out to eat, new school clothes, home and car repairs—all of which means less money going into our local economies. Paying women fairly is not just the right thing to do, it is also an immediate economic boost.

The Paycheck Fairness Act would finally give women tools strong enough