

end to the violence, demands greater U.S. leadership and engagement in those efforts, and recognizes the great loss suffered by the Israeli and Palestinian people as a result of the violence and urges a swift end to that violence. Unfortunately, the bill before us today is not such a resolution.

Hamas' own actions time and time again show that it is a threat to regional and international peace. This is not in dispute. The House has rightly condemned Hamas time and time again including passage last March of H. Res. 951—which I supported.

However, I have several concerns about other aspects of the resolution before us today. At a time of increasing international concern about the situation in Gaza highlighted by diplomatic efforts under way at the UN, by the EU, and the Arab League—particularly a proposal put forth by Egypt and France—and the passage just last night by the UN Security Council of a resolution calling for an immediate cease-fire, I fear that his may be the wrong time for a resolution that does little to support efforts to halt the conflict.

The Security Council resolution called urgently for an “immediate, durable and fully respected cease-fire, leading to the full withdrawal of Israeli forces from Gaza.” I am disappointed that the resolution before the House today does not support the UN's call for an immediate and verifiable cease-fire by both sides.

When a clear international consensus and diplomatic efforts are beginning to coalesce and work towards a solution, why would the U.S. Congress want to consider a resolution that takes a sharply different tack?

The resolution before us also differs in a number of ways even from a similar resolution that the Senate passed just yesterday. That Senate resolution takes a much more serious approach and puts a greater and much needed emphasis on the proactive role the U.S. needs to play to bring this latest crisis to a close. The U.S. has a vast array of diplomatic and other tools that are at the disposal of the President and his foreign policy advisers to help resolve international crises such as this. Now is the time to open that toolbox and actively use those tools.

If anything has been clear from the last eight years it is that when U.S. does not lead and stay in engaged in regional diplomacy, the situation in the region will not get better.

The EU, the UN, the Arab League all recognize that Israel's military operations must be supplemented and supplanted by a diplomatic resolution that will last. That is why the Egyptians and the French are expending considerable efforts—in the absence of U.S. leadership—to forge a cease-fire agreement that meets Israel's needs, namely ending the firing of rockets into Israel and preventing Hamas from rearming while also addressing the humanitarian needs of Gazans. Just yesterday, Secretary Rice expressed verbal support for this initiative, stating that these efforts “should not just be applauded, but must be supported” by the international community. But the resolution fails to even bring it up.

The resolution before the House today also expresses support for “diminishing the appeal and influence of extremists in the Palestinian territories and strengthen moderate Palestinians who are committed to a secure and lasting peace.” However, this resolution by its lack of a call for U.S. engagement and lack of

recognition of the suffering of civilians actually undermines this goal—one that I have long advocated and supported—both in its tone and substance. The resolution ignores or fails to apprehend the tremendous damage that is being done to the efforts of moderates—either presently or in the future—by the ongoing conflict that according to one report has generated “incredible bitterness and anger” in the region. To expect our moderate friends in the Middle East to succeed in such an environment is foolhardy at best.

A cease-fire does not diminish or hinder Israel's right to defend itself. It does help get us back on the path to finding a political and diplomatic solution that will address Israel's security needs and lead to long-term security and peace. A cease-fire is not an end itself but is desirable as a means to halt violence and chaos in the immediate term while creating room to assure humanitarian aid and for renewed and sustained multilateral negotiations for a sustainable peace.

Congress must speak out to help stop this latest crisis in the Middle East but in a way that our message is fair, tough, and smart and that makes clear that the U.S.—while supporting Israel's right to self-defense—can be and is an honest broker in the region. I fear that this resolution fails to meet that standard.

The best support that we can give our close friend and ally Israel is by being an impartial and honest broker that can work with all interested parties in the region, Israelis and Palestinians alike. I am wary about continuing to take actions that hinder the ability for the U.S. to be seen as such a mediator and which may throw more obstacles in the way of the incoming administration foreign policy aims.

The ongoing military operations by Israel cannot and should not substitute for a credible long-term diplomatic solution reached with the help of the international agreement between the Israelis and Palestinians that meets the needs and aspirations of both sides that will prevent the return to an endless cycle of violence that guarantees that “security” and peace remains elusive.

Innocent people on both sides want nothing more than to live normal lives with peace and dignity. While I cannot support this resolution in its current form, I strongly encourage the administration and the international community to undertake robust diplomacy to mediate a cross-border cease-fire and to continue to engage in constructive activities, statements, and resolutions will help bring peace to the region and address Israel's real security needs.

Mr. FARR. Madam Speaker, have a long record of supporting Israel and I have no intention of reversing course. My wish continues to be that Israel will one day soon enjoy a lasting peace with its neighbors.

The resolution before the House today is not an easy vote for me. I refuse to vote nay because I continue to support Israel's right to exist and to defend itself. But I cannot vote yea because in the midst of a humanitarian nightmare in Gaza, this resolution is silent on the need for an immediate cease-fire and the need to actively relieve human suffering.

The resolution is right to condemn the rocket attacks against Southern Israel. These attacks are crimes against humanity. The Hamas rockets endanger thousands of lives, terrorize the Israeli populace and deny the people of Israel and Gaza the peace they both deserve.

However, to introduce a resolution in the midst of a raging war that has the impression of assigning blame does not measure up to the moment.

We're watching another desperate episode in the cycle of Middle East violence, yet our call for a cease-fire is timid.

We're watching human suffering at a stomach-turning scale, and our call to relieve suffering is weak.

A spasm of violence is consuming lives and we're failing to do all that we can to be honest brokers of peace.

I agree with almost all the language in this resolution, so I cannot vote against it. However, I cannot vote in favor of the resolution because it does not do enough to set the stage for lasting peace. My conscience dictates a vote of present, which is the only vote for peace.

The SPEAKER pro tempore (Mrs. TAUSCHER). The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 34.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Ms. ROS-LEHTINEN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

LILLY LEDBETTER FAIR PAY ACT OF 2009

Mr. GEORGE MILLER of California. Madam Speaker, pursuant to section 5(a) of House Resolution 5, I call up the bill (H.R. 11) to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 11

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 “Lilly Ledbetter Fair Pay Act of 2009”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Supreme Court in *Ledbetter v. Goodyear Tire & Rubber Co.*, 550 U.S. 618 (2007), significantly impairs statutory protections against discrimination in compensation that Congress established and that have been bedrock principles of American law for decades. The *Ledbetter* decision undermines those statutory protections by unduly restricting the time period in which victims of

discrimination can challenge and recover for discriminatory compensation decisions or other practices, contrary to the intent of Congress.

(2) The limitation imposed by the Court on the filing of discriminatory compensation claims ignores the reality of wage discrimination and is at odds with the robust application of the civil rights laws that Congress intended.

(3) With regard to any charge of discrimination under any law, nothing in this Act is intended to preclude or limit an aggrieved person's right to introduce evidence of an unlawful employment practice that has occurred outside the time for filing a charge of discrimination.

(4) Nothing in this Act is intended to change current law treatment of when pension distributions are considered paid.

SEC. 3. DISCRIMINATION IN COMPENSATION BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN.

Section 706(e) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(e)) is amended by adding at the end the following:

“(3)(A) For purposes of this section, an unlawful employment practice occurs, with respect to discrimination in compensation in violation of this title, when a discriminatory compensation decision or other practice is adopted, when an individual becomes subject to a discriminatory compensation decision or other practice, or when an individual is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.”

“(B) In addition to any relief authorized by section 1977A of the Revised Statutes (42 U.S.C. 1981a), liability may accrue and an aggrieved person may obtain relief as provided in subsection (g)(1), including recovery of back pay for up to two years preceding the filing of the charge, where the unlawful employment practices that have occurred during the charge filing period are similar or related to unlawful employment practices with regard to discrimination in compensation that occurred outside the time for filing a charge.”

SEC. 4. DISCRIMINATION IN COMPENSATION BECAUSE OF AGE.

Section 7(d) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626(d)) is amended—

(1) in the first sentence—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(B) by striking “(d)” and inserting “(d)(1)”; (2) in the third sentence, by striking “Upon” and inserting the following:

“(2) Upon”; and

(3) by adding at the end the following:

“(3) For purposes of this section, an unlawful practice occurs, with respect to discrimination in compensation in violation of this Act, when a discriminatory compensation decision or other practice is adopted, when a person becomes subject to a discriminatory compensation decision or other practice, or when a person is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.”

SEC. 5. APPLICATION TO OTHER LAWS.

(a) AMERICANS WITH DISABILITIES ACT OF 1990.—The amendments made by section 3 shall apply to claims of discrimination in compensation brought under title I and section 503 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq., 12203), pur-

suant to section 107(a) of such Act (42 U.S.C. 12117(a)), which adopts the powers, remedies, and procedures set forth in section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5).

(b) REHABILITATION ACT OF 1973.—The amendments made by section 3 shall apply to claims of discrimination in compensation brought under sections 501 and 504 of the Rehabilitation Act of 1973 (29 U.S.C. 791, 794), pursuant to—

(1) sections 501(g) and 504(d) of such Act (29 U.S.C. 791(g), 794(d)), respectively, which adopt the standards applied under title I of the Americans with Disabilities Act of 1990 for determining whether a violation has occurred in a complaint alleging employment discrimination; and

(2) paragraphs (1) and (2) of section 505(a) of such Act (29 U.S.C. 794a(a)) (as amended by subsection (c)).

(c) CONFORMING AMENDMENTS.—

(1) REHABILITATION ACT OF 1973.—Section 505(a) of the Rehabilitation Act of 1973 (29 U.S.C. 794a(a)) is amended—

(A) in paragraph (1), by inserting after “(42 U.S.C. 2000e-5 (f) through (k))” the following: “(and the application of section 706(e)(3) (42 U.S.C. 2000e-5(e)(3)) to claims of discrimination in compensation);” and

(B) in paragraph (2), by inserting after “1964” the following: “(42 U.S.C. 2000d et seq.) (and in subsection (e)(3) of section 706 of such Act (42 U.S.C. 2000e-5), applied to claims of discrimination in compensation)”.

(2) CIVIL RIGHTS ACT OF 1964.—Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16) is amended by adding at the end the following:

“(f) Section 706(e)(3) shall apply to complaints of discrimination in compensation under this section.”

(3) AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.—Section 15(f) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(f)) is amended by striking “of section” and inserting “of sections 7(d)(3) and”.

SEC. 6. EFFECTIVE DATE.

This Act, and the amendments made by this Act, take effect as if enacted on May 28, 2007 and apply to all claims of discrimination in compensation under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), title I and section 503 of the Americans with Disabilities Act of 1990, and sections 501 and 504 of the Rehabilitation Act of 1973, that are pending on or after that date.

The SPEAKER pro tempore. Pursuant to section 5(a) of House Resolution 5, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Minnesota (Mr. KLINE) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself 5 minutes.

Madam Speaker, the 2007 Ledbetter v. Goodyear Supreme Court ruling was a painful step backwards in the civil rights in this country. Today, the House will vote once again to say that the ruling is unacceptable and must not stand.

Nondiscrimination in the workplace is a sacred American principle. Workers should be paid based upon their merits and their responsibilities, not on the employer's prejudices. Yet, more than 40 years after the passage of the Civil Rights Act of 1964, the Supreme Court decided to dramatically turn back the clock.

Lilly Ledbetter worked for Goodyear for nearly two decades. Just as she was retiring as supervisor in 1998, she found out that her salary was 20 percent, 20 percent lower than that of the lowest paid male supervisor. Not only was Ms. Ledbetter earning nearly \$400 a month less per month than her male colleagues, she also retired with substantially smaller pension and Social Security benefits. A jury found that Goodyear in fact had discriminated against Ms. Ledbetter because she was a woman. She was awarded \$3.8 million in back pay and damages. This amount was reduced to \$360,000 because of the damage gap of title VII of the Civil Rights Act.

Despite the fact that the jury found Goodyear guilty of discrimination, a sharply divided Supreme Court in a 5-4 opinion decided that while Goodyear discriminated against Ms. Ledbetter, her claim was made too late. They had discriminated against her, but she was too late in making her claim.

Why was she too late? Because they said that she had filed outside the 180 day statute of limitations because she did not file after they had taken their secret executive action to pay Ms. Ledbetter less than her male counterparts. The fact of the matter is, she did not know that all of the time that she was working because of the secrecy of that act. The practical result, the practical result of the decision by this court, would be that as long as they could continue to hide the act, if they could get past 180 days, Ms. Ledbetter could be discriminated against and she would not be able to recover anything.

The law has said for a very long time that when a decision was made which was discriminatory in its nature, every paycheck issued since that time was a continuation of the original discriminatory act and Ms. Ledbetter had 180 days and other plaintiffs had 180 days to file from the last paycheck that was issued. Ms. Ledbetter did that, but the Supreme Court saw otherwise.

So, what the Supreme Court is saying is that employers would be allowed to continue to discriminate against employees without any consequences if they could hide it for 180 days. That is simply unacceptable in the American workplace, it is unacceptable to women in this country, and it is important that we pass the Lilly Ledbetter Fair Pay Act, which would reset the law as businesses and most courts and employees and the EEOC had understood it to be before the court's dramatic ruling.

Under H.R. 11, every paycheck or other compensation resulting in whole or in part from an early discriminatory pay decision or other practice would continue as a violation of title VII. That is as it should be. That is as it was before the court spoke.

In other words, each discriminatory paycheck would restart the clock for filing a charge. As long as workers filed their charges, as Ms. Ledbetter herself

did, within 180 days of the discriminatory paycheck, their charges could be considered as timely.

No worker should have to put a full day's work in and get a paycheck at the end of the week that is based upon their gender, race or religion, without any recourse to justice. That is what this legislation will stop. It is fundamental and it is important.

This legislation also ensures that these simple reforms extend to the Age Discrimination in Employment Act, the Americans with Disabilities Act and the Rehabilitation Act to provide these same protections for victims of age and disability discrimination. Connecting pay discrimination poses significant challenges to workers, made all the harder by the Supreme Court's Ledbetter decision.

The reality is that most workers don't know what their coworkers are making. Employers often prohibit employees from discussing their pay with each other. We fix these problems also with the passage of the Paycheck Fairness Act.

The court's misguided decision is already having very harmful consequences far beyond Ms. Ledbetter's case. According to *The New York Times*, the Ledbetter decision has been cited in over 300 cases in the last 19 months that have denied people the opportunity to provide for recovery.

In this economy, especially in this economy, when every dollar counts to every worker in this country, to provide for themselves or their families, to provide for the wherewithal to go through the daily life in America, we cannot have people discriminated against because of their gender. We can pass the Lilly Ledbetter Pay Act, and that will end that practice in the American workplace.

Mr. KLINE of Minnesota. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to oppose this seriously flawed legislation before us. Not only would it amount to a radical change to our civil rights laws, it has come to us without the benefit of the serious consideration and debate due such a significant policy shift.

The enthusiastic supporters of the Ledbetter Act want us to believe that we are simply voting on a straightforward bill to reverse a Supreme Court decision involving discrimination in the workplace.

Unfortunately, Madam Speaker, that isn't the whole story. While this bill would reverse a Supreme Court decision for the benefit of Lilly Ledbetter, it would also dismantle the long-standing statute of limitations established by the 1964 Civil Rights Act. That statute of limitations was deemed to be critical in that Supreme Court decision.

In so doing, this bill would set into motion unintended consequences that its supporters simply are not willing to acknowledge, including radically in-

creasing the opportunity for frivolous and abusive litigation and exposing employers to open-ended lawsuits indefinitely. Further, this bill would also permit individuals to seek damages against employers for whom they never worked by allowing family members and others who were never directly subjected to discrimination to become plaintiffs, even after the worker in question is deceased.

In the current economic climate, as the gentleman from California said, especially in this economic climate, we cannot afford to enable endless litigation and potentially staggering record keeping requirements on employers. We also should be wary of the devastating effect this bill would have on pensions by exposing employers to decade-old discrimination claims that they have little ability to defend. This legislation could risk the retirement security of millions of hard-working Americans.

Madam Speaker, it is very clear that this legislation amounts to a significant change in our civil rights laws. What is less clear are the answers to a number of relevant questions, many of which remain unanswered because of a complete disregard for the normal legislative process.

As you may know, not one legislative hearing was conducted on this bill in the last Congress. This bill has instead been brought to the floor in haste, completely bypassing any deliberation by me and my colleagues on the Committee on Education and Labor. Surely such a monumental change to our civil rights laws deserves more reflection.

My concerns and unanswered questions can only lead me to say that the Ledbetter bill makes for bad policy created through a poor legislative process. I urge my colleagues to vote against this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS), a subcommittee Chair of the Education and Labor Committee.

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

Mr. ANDREWS. Madam Speaker, I thank my chairman for yielding.

I wanted to clear up what I think were three inaccuracies in my friend from Minnesota's statement about the bill.

First of all, this bill will not extend an endless statute of limitations. It restores the statute of limitations the law recognized until the ill-considered Ledbetter decision. It essentially says you have 180 days after each paycheck to make your claim. If you don't make your claim, your claim expires. It doesn't extend the statute beyond that.

Second, with respect to pensions, the bill makes it clear in the "findings" section that the same law that applied to pensions is not touched by this bill at all. The courts have generally recog-

nized that when the pension structure is put in place and the person gets their pension, the clock starts running, and if the time expires after that, your ability to make the claim expires after that.

Finally, with respect to the point that is made about people who never worked for the employer being able to sue, I think that is simply not an accurate statement. What is true is if someone suffers discrimination and their estate is owed money for what they would have earned when they were working, the estate is absolutely entitled to recover that sum of money because the man or woman who died would have recovered that.

□ 1045

So this is a good bill. There was an extensive hearing on this issue previously. I would urge the House to do the right thing and adopt this bill. It should not become the law of the land that if you're an employer and can hide discrimination for 180 days you get away with it. If the Ledbetter decision stands, that's what the law is. Let's change that law and adopt this bill.

Mr. KLINE of Minnesota. Madam Speaker, I would like to ask unanimous consent that we yield the remainder of our time to the ranking member on the Education and Labor Committee (Mr. McKEON) to control the time.

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

There was no objection.

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

Madam Speaker, I rise in opposition to this ill-considered and overreaching legislation. Proponents of this bill claim it simply reverses a May 29, 2007, U.S. Supreme Court decision and clarifies congressional opposition to wage discrimination. In reality, however, this bill will set into motion a series of unintended consequences that will ripple through the economy and plague workers, small businesses, and the judicial system with a vast new legal minefield.

At the outset, let me make it clear that opposition to discrimination of any type, be it gender discrimination, racial discrimination or any other type of discrimination inside and outside the workplace, is not confined to one party or the other. Every Member of this Chamber stands in strong opposition to the unfair treatment of any worker.

At the same time, I believe we must stand firmly behind a process that ensures justice for all parties, and that includes protecting against the potential for abuse and over-litigation. It is my commitment to those principles that requires me to vote no on this bill today.

For more than 40 years, title VII of the 1964 Civil Rights Act has made it illegal for employers to determine an

employee's pay scale based on his or her gender. This is a principle upon which all of us, Democrats and Republicans alike, can agree. As such, current law provides that any individual wishing to challenge an employment practice as discriminatory must first file a charge with the Equal Employment Opportunity Commission within the applicable statute of limitations, which is either 180 or 300 days, depending on his or her state of employment after the alleged workplace discrimination occurred.

The statute of limitations was clearly established in the law to encourage the timely filing of claims which helps prevent the filing of stale claims and protects against the abuse of the legal system. Consider these "worst case" scenarios, for example:

Without a statute of limitations in place, an employee could sue for pay discrimination resulting from an alleged discriminatory act that might have occurred, 5, 10, 20 or even 30 years earlier.

And without a statute of limitations in place, it is entirely conceivable that a worker or retiree could seek damages against a company run by employees and executives that had nothing to do with the initial act of the alleged discrimination that occurred dozens of years ago.

The bill before us would dismantle the statute of limitations and replace it with a new system under which every paycheck received by the employee allegedly discriminated against starts the clock on an entirely new statute. While fair-minded in principle, this dramatic change in civil rights law would have an incredibly far-reaching impact, one that supporters of the bill have yet to take the time to thoroughly and appropriately consider. Indeed, if this bill becomes law, the worst case scenarios I just described could become commonplace. And let's not kid ourselves: our Nation's trial lawyers would seize upon that.

Madam Speaker, this bill is not a matter of tinkering around the edges as its supporters would have the American people believe. Rather, it is a fundamental overhaul of longstanding civil rights laws.

The last major change to these laws occurred more than 15 years ago, and after several years of debate. Yet, here we are, just hours into the 111th Congress, and without having held legislative hearings, a committee markup, or even an open-debate process on the floor, voting on a highly flawed bill without any regard to its long-term ramifications.

I'm opposed to discrimination in the workplace, and I believe that workers must have a protected right to avail themselves of legal protections when such discrimination occurs. That right exists today in carefully crafted civil rights law that ensures fairness and justice for all parties. Unfortunately, the bill before us is neither fair nor just, and for that reason, I will oppose it. I urge my colleagues to do likewise.

I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from New Jersey is recognized.

There was no objection.

Mr. ANDREWS. Thank you, Madam Speaker.

I am pleased at this point to yield 2 minutes to the gentlelady from California (Ms. WOOLSEY) in favor of this restoration of 40 years of civil rights legislation.

Ms. WOOLSEY. Lilly Ledbetter went to work at Goodyear Tires every day for 19 years. She was one of the few female supervisors at the plant, and she was an outstanding one, at that. She received awards for her work.

However, all of those years she was paid less than her male colleagues, 20 percent less by the time she retired, because of gender discrimination.

A jury agreed that she had been discriminated against and awarded her over \$3.8 million in back pay and damages. But the Supreme Court, the Federal Supreme Court, reversed the decision because it found that Lilly didn't file her claim within 180 days of the initial decision to discriminate, even though she had absolutely no idea at the time that she was being paid less than her male counterparts simply because she was a woman.

The Lilly Ledbetter Fair Pay Act restores the common and longstanding understanding of employees, employers and the circuit courts alike that, when it comes to discriminatory pay, the protection of title VII extends not only to pay decisions and practices, but to each and every paycheck as well.

Unfortunately, Lilly will not reap the benefits of this legislation. As a result, she will continue to feel the effects of the Court's wrongheaded decision for the rest of her life, through smaller pension and Social Security benefits. But this bill will help other women, and it will also be a reminder that absolutely no employer can tell their employees to keep their pay a secret. They can tell you that, but, in fact, they have no right and no legal standing.

So, along with bringing that to light, this wonderful bill is a tribute to Lilly Ledbetter, who has paved the way for other women.

Mr. McKEON. I have no further speakers, so I will reserve our time.

Mr. ANDREWS. Madam Speaker, I am pleased to yield at this time 2 minutes to one of the civil rights champions of this Congress, the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Madam Speaker, I rise today in support of the Lilly Ledbetter Fair Pay Act. This legislation reverses the Supreme Court's decision in the Ledbetter case in which the Court ruled that workers filing suit for pay discrimination must do so within 180 days of the original decision to discriminate against them. After the 180 days from the initial decision to discriminate, the employer could continue its discriminatory practices and

the employee would no longer have any legal remedy.

Prior to the Supreme Court decision, employees could file suit against employers who were guilty of discriminatory pay practices within 180 days of any discriminatory act, not just the initial decision to discriminate, so that each paycheck in which women were paid less than men for performing the same job would restart the 180-day period. The Supreme Court's ruling in Ledbetter changed this, so that now, if the discrimination is not discovered within 180 days, employers are now allowed to continue to discriminate, even if the pattern of discrimination is well known and acknowledged.

Unfortunately, the fact is that many women, like Lilly Ledbetter, do not learn about the discrimination until much later. So under the Supreme Court decision these women have no remedy under civil rights laws. This bill corrects the injustice and does so, it does not make a so-called dramatic change. Most of the country operated under this policy anyway.

And also, the bill retains the 2-year limit on past wages, so the burden of proof remains also on the plaintiff. So any delay which erodes evidence would be a higher burden for the plaintiff. So there's no incentive to delay bringing suit.

Madam Speaker, this is a common-sense application of what everyone thought the law was anyway. I commend Chairman MILLER for bringing the bill to the floor, and urge my colleagues to support it.

Mr. ANDREWS. Madam Speaker, I am pleased to yield, at this time, 1 minute to the gentlelady from Hawaii (Ms. HIRONO) who truly understands what's wrong with the situation where you get paid based on your gender.

Ms. HIRONO. Madam Speaker, I rise in strong support of H.R. 11, the Lilly Ledbetter Fair Pay Act of 2009. And I want to thank Chairman GEORGE MILLER for his continuing leadership and dedication in bringing this bill to the floor.

H.R. 11 is needed because the U.S. Supreme Court, in 2007, ruled in Ledbetter v. Goodyear that did not take into consideration the reality that discovering discriminatory pay at the outset is difficult for employees. The Court's imposition of 180 days to file a discrimination claim is totally unrealistic and unfair.

When Lilly Ledbetter came to testify before the Education and Labor Committee in 2007, I was moved by her story of justice denied. Ms. Ledbetter was deprived of lost wages compensation because she did not know she was being paid less than her male colleagues until many years had passed since her employers made the initial decision to discriminate.

This bill restores fairness to any employee who has been paid less than their coworkers. I urge my colleagues to support the Lilly Ledbetter Fair

Pay Act, as well as the Paycheck Fairness Act also being debated this morning.

Mr. MCKEON. Madam Speaker, I yield myself such time as I may consume.

As we debate this legislation, Madam Speaker, I must point out that the myths propagated by our friends in the majority are almost too much to take, so I'd like to take a few moments to dispel some of their more disingenuous claims.

We've heard them claim, for example, that H.R. 11 merely restores prior law by reversing the Supreme Court's Ledbetter decision. If indeed this bill was intended simply to reverse the decision, it would have been written to do just that. However, it wasn't. As we have discussed, current law provides that an individual wishing to challenge an employment practice as discriminatory must first file a charge with the Equal Employment Opportunity Commission within the applicable statute of limitations.

Let's be perfectly clear. This was the law both before and after the 2007 Supreme Court decision. This bill would dismantle that statute of limitations and replace it with a new system in which every paycheck received by the employee allegedly discriminated against starts the clock on an entirely new statute. In other words it restores nothing. Rather, it totally guts current law and leaves the door open for trial lawyers to have a veritable field day.

Supporters of this bill also tell us that with hundreds of charges of gender-based pay discrimination filed with the Equal Employment Opportunity Commission each year, numerous claims will never be brought to justice without this legislation.

Once again, nothing could be further from the truth. The right to each and every EEOC pay discrimination claim exists today, just as it has since the 1964 Civil Rights Act. This bill does not restore any rights because these rights never were taken away. Current law allows an individual to challenge an employment practice as discriminatory by first filing a charge with the EEOC within the applicable statute of limitations. This bill does not establish any new rights, and its supporters know this perfectly well.

Finally, the bill's supporters claim that unless this bill becomes law, victims of pay discrimination will have no recourse unless they file a claim within 180 or 300 days of that decision. Unfortunately, the majority refuses to acknowledge clear protections against such a scenario.

First, employees who believe they are victims of pay discrimination may also have recourse under the Equal Pay Act, which is not subject to the Equal Employment Opportunity Commission 180 to 300 days filing requirements.

□ 1100

Through a variety of legal doctrines, courts already allow plaintiffs to file

claims outside the statute of limitations where it is fair and equitable for them to do so. For example, a court may choose to do so in a case where an employer withheld critical information or otherwise misled an employee into sleeping on his or her rights.

In short, Madam Speaker, the lack of candor from this bill's proponents is clouding the debate, and I feel it is my duty to set the record straight.

With that, I reserve the balance of my time.

Mr. ANDREWS. Madam Speaker, I am pleased at this time to yield to the majority leader of the House of Representatives, who will lead us to reverse this unfortunate Court decision today, the gentleman from Maryland (Mr. HOYER) for 1 minute.

Mr. HOYER. I thank the gentleman from New Jersey. I thank Chairman MILLER from California. I thank my friend Mr. MCKEON as well for the consideration of this debate.

We've passed this bill before, properly so. Unfortunately, it didn't pass the Senate. It wasn't signed by the President. That will not happen this time. We will pass this bill. My belief is the Senate will pass this bill, and the President of the United States will sign it. Why? Because it's the right thing to do.

I listened to my friend in his conversation, but frankly, it somewhat belies the fact that there came a case to the Supreme Court, and the Supreme Court had to rule on the case, and the Supreme Court ruled on the statute of limitation.

The value of work, of course, Madam Speaker, lies in a job well done, not in the gender of the worker. I don't think there is a man or a woman in this Chamber who would disagree, but all too often in America, sexism, frankly, cheats women out of equal pay and equal worth. It still robs women of their equal right to earn a livelihood, to provide for their families and to secure the dignity of their labor. It does much of its worst work in the dark.

Frankly, women in this body all know that they make the same thing as the men in this body. Why? Because it's public information, but if it were secret information, notwithstanding the fact that we had a number of women vote against this the last time it was up, I would be shocked that they would do so again if they were put in the position of making \$25,000 less than those of us who are males, doing exactly the same job. That is the position, of course, Lilly Ledbetter found herself in.

So many of us know by now that Lilly Ledbetter was precluded from recovery. For almost two decades, from 1979 to 1998, she was a hardworking tire plant supervisor. For much of her career, she suffered from two kinds of discrimination simultaneously—from sexual harassment when a manager said to her face that women didn't belong in a factory to the supervisor who tried to coerce her into a sexual encounter.

There was pay discrimination as well. There's no doubt about that. Now, she couldn't recover for it because the Supreme Court said she hadn't acted. By the end of her career, she was making nearly \$7,000 less than the lowest paid man in the same position.

Both kinds of discrimination were founded on the belief that women in the workplace are second-class citizens. I hope there are no women in America who believe that, and I would hope there are no men in America who believe that. I say that as a father of three women, as the grandfather of two granddaughters and as the great grandfather of a 2-year-old young woman.

Of the two, the unfair pay may have been the most damaging, between the sexual discrimination and the pay discrimination. The sexual discrimination, obviously, is abhorrent, but the pay discrimination diminished Lilly Ledbetter's opportunities in our country.

There has been a lot said on this floor about "it's their money, and they know how to spend it better," and we've talked about that in terms of tax bills. "It's their money, and they know how to spend it better." If that's the case, then I would hope that this bill would pass unanimously to make sure that their money, which they earn fairly, is paid to them so they then can use it as they see fit.

Ms. Ledbetter might have been in the dark to this day; they may have kept it a secret because people, particularly in the private sector, don't go around, saying, "Well, I make X and you make Y." In fact, a lot of employers tell their employees, "Don't tell people what you make." Lilly Ledbetter didn't know how badly she was being discriminated against.

A coworker, however, gave her proof of what her employer was doing to her. Such silent discrimination is surprisingly common because it is so difficult to identify. After all, how many of us know what the salaries of our coworkers are? As I said, we do. My friend from California knows that she makes the same thing as Mr. MILLER makes, and that's appropriate. They are both elected; they both have the same job; they both work hard, and they're paid the same.

Lilly Ledbetter took her employer to court, but the Supreme Court finally ruled against her. So, apparently, there is a problem somewhere, not because she was making it all up but because she had failed to file suit 180 days after her first unfair paycheck. Now, that adopts the premise that the subsequent paychecks somehow were not in violation of the law. They were. Every time she was paid discriminatorily, it was another violation of the law. In fact, the 180 days should have run from the last violation of the law, which, of course, was the last time she was paid in a discriminatory fashion. You have 6 months to find out you're being paid unfairly or you're out of luck for a lifetime.

The Supreme Court's flawed ruling ignored the real-world facts of discrimination, and it has the potential to harm thousands of women, indeed, hundreds of thousands and millions of women and their children and their families and our communities and society, leaving victims of pay discrimination without any recourse.

As Justice Ginsburg said—and she put it in as a strong dissent—"Pay disparities often occur . . . in small increments; cause to suspect that discrimination is at work develops only over time. Comparative pay information, moreover, is often hidden from the employee's view . . . Small, initial discrepancies may not be seen to meet the Federal case, particularly when the employee, trying to succeed in a non-traditional environment, is averse to making waves."

That's what Justice Ginsburg said. So, apparently, Justice Ginsburg thought there was a problem to which we ought to respond, which is what is happening today.

"The ball," Justice Ginsburg concluded, "is in Congress' court . . . The legislature may act to correct this Court's parsimonious reading."

That is what we are doing today. That is the right thing to do for our country. It is the right thing to do for women. It is the right thing to do for our families, and that is the aim of the Lilly Ledbetter Fair Pay Act.

This bill gives employees a fair time limit to take action against discrimination. A 180-day limit will still stand, but the clock is reset after each violation of the law, as it should be, not simply after the first one, and that change fits our commonsense understanding of pay discrimination. It is not a single act but an ongoing practice that is renewed every time the employer signs an unfair paycheck.

Madam Speaker, pay discrimination anywhere is an attack on the dignity of every woman in every workplace in America. When workers face unfair pay, they should find us standing by their side, not throwing up technicalities and roadblocks on the way to equality.

For that reason, I urge every one of my colleagues, male and female, Representatives of all of the people who ought to have equal opportunity under the law. This accomplishes that objective. Vote for this important piece of legislation.

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. MILLER) is recognized.

There was no objection.

Mr. GEORGE MILLER of California. May I inquire of the Chair my time remaining?

The SPEAKER pro tempore. The gentleman from California (Mr. MILLER) has 17½ minutes remaining.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from New Hampshire (Ms. SHEA-PORTER), a member of the committee.

Ms. SHEA-PORTER. Madam Speaker, I rise today to voice my strong sup-

port for H.R. 11, the Lilly Ledbetter Fair Pay Act of 2009. I thank Chairman MILLER of the Education and Labor Committee for his leadership on this issue.

As a member of the Education and Labor Committee, I had the opportunity to hear firsthand Ms. Ledbetter's story when she testified before the committee in June of 2007. Her experience is, indeed, appalling, but Ms. Ledbetter is not the only victim in this case. The Supreme Court's decision makes it harder for all employees to challenge pay discrimination.

The Lilly Ledbetter Fair Pay Act restores the integrity of our Nation's pay discrimination protections by clarifying that every discriminatory paycheck represents a new violation of the law, restarting the clock on the statute of limitations. It restores the protections, because prior to the Supreme Court's ruling, the EEOC and most circuit courts understood the law the same way, that each discriminatory paycheck restarted the clock.

The Supreme Court's ruling changed all of this, putting all workers at a disadvantage, threatening the integrity of all pay discrimination protections, not just gender-based pay discrimination. We have an opportunity today to clarify the law, to strengthen our anti-discrimination protections and to move one step closer to ensuring the right of every worker to equal pay for equal work.

I am a proud cosponsor of this legislation, and I urge my colleagues to support it as well. I ask them to support it not only for themselves but for those who will come after us. It is critical that we have an understanding, and when the courts face these issues again, it must be very clear what was intended by Congress.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from Illinois (Mr. HARE), a member of the committee.

Mr. HARE. Madam Speaker, I rise in strong support of H.R. 11, the Lilly Ledbetter Fair Pay Act. I commend my chairman, Chairman MILLER, for bringing this important legislation forward.

Last year, I, too, had the privilege of hearing Ms. Ledbetter testify before the Education and Labor Committee. After 19 years as a Goodyear employee, Ms. Ledbetter discovered she was paid significantly less than every single one of her male counterparts. She sued the company. She took her case all the way to the Supreme Court. Ignoring a previous court's judgment to award Ms. Ledbetter damages for pay discrimination, the Supreme Court threw out the case based on a technicality.

The Court's decision ignores the reality of the workplace where employees generally don't know enough about what their coworkers earn or how decisions regarding pay are made to file a complaint right when discrimination first occurs. Under this decision, employees in Ms. Ledbetter's position are forced to live with discriminatory paychecks for the rest of their careers.

The Lilly Ledbetter Fair Pay Act would correct this wrong by clarifying that every paycheck resulting from a discriminatory pay decision constitutes a violation of the Civil Rights Act and that employees have 180 days after each discriminatory paycheck to file suit.

When the Supreme Court sanctions discrimination through technicalities, it is the job of Congress to clarify the intent of the law. I am pleased that our first action in the 111th Congress is to stand up for American workers by invalidating this misguided ruling.

Once again, I commend my chairman, Chairman MILLER, and I urge all of my colleagues to vote for H.R. 11.

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

Ms. DELAURO. I rise in support of the Lilly Ledbetter Fair Pay Act, and I commend Chairman MILLER for his leadership and for his tireless efforts that have brought us so far.

We are here today because Lilly Ledbetter got short-changed, short-changed by her employer—the perpetrator of consistent pay discrimination lasting years—and short-changed again by the Supreme Court.

A jury found that, yes, Lilly Ledbetter had been discriminated against by her employer, and they awarded her \$3.8 million in back pay and damages. Then under Title VII, this award was reduced to \$360,000, ultimately to zero, when the Supreme Court ruled 5-4 against her last year, drastically limiting women's access to seek justice for pay discrimination based on gender, requiring workers to file a pay discrimination claim within a 6-month period only, regardless of how long the pay inequity goes on. When women still earn only about 78 percent of what men earn, this ruling essentially rolled back efforts to ensure equal pay and left women with little remedy.

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Justice Ginsberg suggested in her dissent, "Congress has an obligation to correct the Court's decision." That is why we introduced and passed the Lilly Ledbetter Fair Pay Act last year, clearly stating the title VII statute of limitation runs from the date a discriminatory wage is actually paid, not simply some earliest possible date which has come and gone long ago. Instead, you would be able to challenge discriminatory paychecks as long as you continue to receive them.

Earlier this week, Lilly Ledbetter wrote to the entire Congress, "I may have lost my personal battle, but I have not given up. I am still fighting for all of the other women and girls out there who deserve equal pay and equal treatment under the law."

Madam Speaker, ensuring pay equity can help families gain the resources they need to give their children a better future, the great promise of the American Dream. Let us make good on

that promise, pass this bill, and make sure women who face the discrimination that Lilly Ledbetter faced have the right to fight against it.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. MCMAHON).

Mr. MCMAHON. Thank you, Mr. Chairman.

I rise today as a cosponsor of H.R. 11, the Lilly Ledbetter Fair Pay Act. The Supreme Court's Ledbetter decision has made it significantly harder for women and other workers to hold employers accountable for pay discrimination. The Court's reasoning lacks common sense about the realities of workplace discrimination, and completely disregards the intent behind our robust civil rights laws.

Now we in Congress must correct this injustice, and H.R. 11 seeks to do just that.

As a father and husband, I think it's shameful that by 2009 we haven't been able to close the gender wage gap. Should my wife, who was recently elected to serve as Staten Island's first woman Supreme Court justice, receive a lower salary than her male counterparts simply because of her gender?

I worry about my high school-aged daughter and hope that when she enters the workforce, she will have the same opportunities as her male colleagues. As asked by the majority leader, if she were elected to the House today, should she be paid \$145,000 while the men receive \$165,000? I say, No.

Is this America's promise to our young women? To my wife? To my daughter? Enactment of the Lilly Ledbetter Fair Pay Act will ensure that when women face discrimination in the workplace, they will be able to fight for and protect their rights to fair, equal treatment.

I recently visited Wagner College in my district and met with the next generation of working women. I made a promise to all of the young women of Staten Island and Brooklyn that I would work hard in Congress to change the practices that permit women to earn only 77 cents on every dollar made by men.

I thank the House leadership, and especially the gentleman from California (Mr. GEORGE MILLER) for allowing me to be part of this historic moment here today. Let us put to rest the age-old problem of sex-based discrimination.

I urge my colleagues to vote yes on the Lilly Ledbetter Fair Pay Act, H.R. 11, and on H.R. 12, the Paycheck Fairness Act.

The SPEAKER pro tempore. Without objection, the gentleman from New Jersey is recognized.

There was no objection.

Mr. ANDREWS. Thank you, Madam Speaker.

I am pleased to yield 1 minute to a member of the Rules Committee, the gentlelady from Ohio (Ms. SUTTON).

Ms. SUTTON. I thank the gentleman for the time and for his leadership on this issue.

I thank the chairman of the Education and Labor Committee, Mr. MILLER, for his tremendous leadership, as well as Representative ROSA DELAURO for her commitment. And I rise today in strong support of this bill.

Madam Speaker, I wish this legislation were not necessary. But, sadly, nearly 45 years after the Civil Rights Act of 1964, pay discrimination still exists; and in one fell swoop, in the Ledbetter case, the Supreme Court made it immensely easier for discrimination to prevail at the expense of women and their families across this country, and that is unacceptable.

The Court held that Lilly Ledbetter would have had to file a complaint within 180 days of when her employer began years of discrimination against her even though there was no way that she could have known that she was being discriminated against. The Court, in effect, eliminated any real opportunity for victims of long-term gender-based pay discrimination to be made whole and provided employers who engage in pay discrimination for years to do so without consequence.

Let's pass this bill.

Mr. ANDREWS. Madam Speaker, I am pleased to yield 1 minute to a strong and consistent voice for the rights of all people in this Congress, the gentlelady from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague.

Madam Speaker, I rise in full support of H.R. 11. I was extremely proud last year when the House swiftly acted to pass the Lilly Ledbetter Fair Pay Act. The Supreme Court had made a terribly misguided decision and failed to fully recognize the rights of women to seek remedy for pay discrimination.

And how proud I am today that we are wasting no time and again passing legislation to clarify that victims of pay discrimination should not be punished because they were not aware of the discrimination against them earlier.

The Civil Rights Act exists to protect individuals precisely when they find themselves in the situation Lilly Ledbetter found herself in, and it was never meant to be interpreted in a way that provides a loophole for employers to discriminate—if they can just make sure that their employees are kept in the dark for 6 months.

Lilly Ledbetter will never be compensated for decades of discrimination by her employer, but let us ensure that none of our sisters, our daughters, our granddaughters are ever punished in the same way.

I urge my colleagues the vote yes for the Ledbetter Fair Pay Act.

Mr. ANDREWS. Madam Speaker, I am pleased at this time to yield 1 minute to the gentleman from New York (Mr. NADLER), a strong voice for civil liberties.

Mr. NADLER of New York. Madam Speaker, it's been 46 years since Congress passed the Equal Pay Act of 1963. Yet women still earn on average only

77 cents for every dollar earned by a man, and the promise of pay equity remains unfulfilled. And the Supreme Court's Lilly Ledbetter decision makes it almost impossible to challenge Federal discrimination.

This bill will overturn that decision. Last year, the Subcommittee on the Constitution, Civil Rights, and Civil Liberties, which I chair, held a hearing on the Ledbetter case and heard directly from Lilly Ledbetter who eloquently described the terrible injustice of the Court's decision.

The Court held that although Ms. Ledbetter had lost thousands of dollars of pay because of intentional sex discrimination, she could not sue because the employer had successfully hidden its own misconduct and discrimination for more than 6 months. This decision makes it almost impossible to enforce the right to be paid the same regardless of race or sex, et cetera. This must be changed, and this bill changes that.

The need for the Paycheck Fairness Act is equally clear. Unfair pay disparities require workers and their families to live on less than they rightfully deserve and reduce retirement earnings.

I urge adoption of both bills.

Mr. ANDREWS. Madam Speaker, it is my distinct and humble privilege to yield 1 minute to a person of great strength and dignity and leadership, the Speaker of the House of Representatives, the gentlelady from California.

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding.

I want to commend him for his extraordinary leadership, his attention to this issue of concern to America's families. I thank him, I thank his chairman, GEORGE MILLER, for championing this issue in the committee and on the floor.

And I want to particularly salute Congresswoman ROSA DELAURO for being a relentless advocate. Ten years ago, she introduced the Pay Equity Act, and she has been working on it for a long time; and over the years, our ranks have grown of those who recognize the importance of this legislation.

I am particularly happy today, my colleagues, because on Tuesday we swore in a new Congress. It was a result of an election where the American people spoke out very clearly for change. And in the very first week of this new Congress, the change that we want to make is in the lives of America's families.

This legislation hits home. It helps America's working women meet the challenges that their families face economically, and it is about ending discrimination. So I thank all of our colleagues who worked so hard over the years to put this forward. We passed it in the House in the last Congress. We passed the Lilly Ledbetter bill, really a real tribute to a heroine, a woman who is a heroine. She took her personal story and she is making change for all working women in America.

That the Supreme Court would have ruled against her after she had won one

court challenge after another speaks to the need for this legislation. And the courts have spoken to Congress' ability to change the law if they do not agree with what the law had been before.

So here we are. This is the day. We campaigned all over the country. This issue of pay equity and Lilly Ledbetter legislation was part of the campaign. This woman from Alabama stood before crowds and talked about her personal experience. It was painful to experience it, yet she used her own situation to make life better for others. I'm sorry she cannot be with us here today, but I hope she knows how deeply grateful we all are to her because her case showcased the need for this legislation.

And again, in terms of pay equity, I'm a mother of four daughters and one son; and for all of them, this is important legislation. Many colleagues in this House—we have many women Members of the House now, many more we want, but we have fathers of daughters, and those fathers of daughters know that their daughters are capable of doing anything they set out to do and that the value that is placed on them in the workplace is the same value that is placed on young men and men of whatever age.

So I speak, really, from the heart on this in terms of what it means to women in their lives, to what it means to women in their homes, what it means to them in the workplace, what it means to them in their role in the economy, and what it means to them in their retirement because if women are not paid fairly in the course of their work years, it has an impact on their retirement as well.

So for the benefit of our economy—because this has an impact on our entire economy—I want to salute all who have brought us to this day. I think it's a happy day for our country, and as Speaker of the House, I'm particularly pleased that in the first week of the new Congress, this is the primary legislation that we are putting forward. Pay equity, fairness to women in the workplace, the Lilly Ledbetter Act. These are our priorities.

I hope that we will have a big strong vote in the Congress today so the message will go out that this Congress has heard the message of change in the election, that this Congress knows the needs of America's women, that this Congress is prepared to be relevant in its action, relevant to the concerns of America's working families.

I thank all of you for what you do, and I urge all of our colleagues to join all of us in supporting this important legislation.

Mr. ANDREWS. Madam Speaker, I am pleased to yield at this time 1½ minutes to the gentlelady from Chicago (Ms. SCHAKOWSKY) who is the Democratic leader of the bipartisan Women's Caucus in the House.

Ms. SCHAKOWSKY. Madam Speaker, I rise today in support of two critical pieces of legislation, the Lilly Ledbetter Fair Pay Act and the Paycheck Fairness Act.

It is high time for the United States to end gender discrimination in the workplace and to start paying women equal pay for an equal day's work.

As the Democratic co-Chair of the Congressional Caucus on Women's Issues, I'm particularly concerned about how the downturn in the economy will impact women and their families. Today in the United States of America, women earn just 78 cents for every dollar earned by a man. African American women earn just 63 cents on the dollar, and Latinas earn only 53 cents for each dollar males earn, and single women earn just 56 cents for every dollar earned by a man.

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These alarming statistics, coupled with the fact that women are losing their jobs at a frightening rate, makes passing the Equal Pay Act even more important, and I thank ROSA DELAURO for her leadership on that legislation.

But the Lilly Ledbetter Fair Pay Act provides adequate legal protections for wage discrimination. Lilly Ledbetter worked for 19 years at a Goodyear Tire plant and was routinely paid less than her male colleagues, including in her last paycheck. Unfortunately, the United States Supreme Court, in essence, said to employers, if you can just keep your underpaid women in the dark for 180 days, then you're free to deny her fair pay and leave her to attempt to meet her family's expenses on a salary that denies her rightful payment.

My colleagues, in this 21st century, it's time we made fairness the law of the land.

Madam Speaker, I rise today in support of two critical pieces of legislation, the Lilly Ledbetter Fair Pay Act and the Paycheck Fairness Act. It is high time for the U.S. to end gender discrimination in the workplace and start paying women equal pay for an equal day's work.

As the Democratic Co-Chair of the Congressional Caucus on Women's Issues, I am particularly concerned about how the downturn in the economy will impact women and their families. Today, in the U.S.A. women earn just 78 cents for every dollar earned by a man. African American women earn just 63 cents on the dollar, Latinas earn only 53 cents for each dollar males earn and single women just 56 cents for every dollar earned by a man. These alarming statistics coupled with the fact that women are losing their jobs at a frightening rate makes passing pay equity legislation even more important.

I thank ROSA DELAURO for her leadership on this legislation. The Paycheck Fairness Act will help put women's wages on par with those of their male colleagues.

We must also pass the Lilly Ledbetter Fair Pay Act to provide adequate legal protections from wage discrimination. Lilly Ledbetter worked for 19 years at a Goodyear Tire plant and was routinely paid less than her male colleagues including her last paycheck. Unfortunately the U.S. Supreme Court in essence compounded this problem when it overturned the lower court and denied her the right to seek relief from our legal system by telling her

she waited too long to seek relief even though she had no way of knowing she was paid less. The Supreme Court's decision means that if an employer discriminates in paying a woman but she isn't aware of it for six months, the employer can continue to discriminate for years or even decades under an immunity shield that gives that woman no legal recourse.

In other words, if employers can just keep under paid women in the dark for 180 days, they are free to deny her fair pay and leave her to attempt to meet her family's expenses on a salary that denies her rightful payment. Women should be allowed to seek legal remedies for employment discrimination and the Lilly Ledbetter Fair Pay Act would remove existing barriers that prevent women from turning to the courts for help.

It is time that we help the many women this 21st century. Its time we make fairness the law of the land.

Finally, I would strongly recommend to all my colleagues if you want to do the right thing, if you want to be on the side of the women in your district, and if you do not want to be on the wrong side of history, cast a proud yes vote for the Paycheck Fairness Act and the Lilly Ledbetter Fair Pay Act.

Mr. ANDREWS. Madam Speaker, may I inquire as to the time left on each side?

The SPEAKER pro tempore. The gentleman has 4 minutes remaining. The gentleman from California (Mr. McKEON) has 20 minutes remaining.

Mr. ANDREWS. Madam Speaker, at this time, I would be pleased to recognize for 1 minute a gentlelady who once chaired the Equal Employment Opportunity Commission, who is the House's leading expert on this statute, the gentlelady from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the gentleman for his hard work and for his leadership.

It's a rare privilege to cosponsor a bill about a law that I once enforced, but no pleasure at this time because it takes me back to the future, repeating what Congress did on this floor more than 40 years ago, permitting only what the act previously enforced, exactly as it was when I chaired the Equal Employment Opportunity Commission, both before and since that time.

The plaintiff in a discrimination suit carries a heavy burden; Congress never meant it to be an impossible burden. This is secret information—the pay of your coworkers. There is no way for you to know that kind of information any more than you know the health condition of your coworkers. Therefore, what we usually do in enforcement is give an incentive for the employer to contain his liability through self-remediation. The moment he finds the problem, he can contain his liability by in fact correcting the problem. Essentially what the Supreme Court has done is to perversely invite him to hold out for 180 days, and then it's all over, no matter how much discrimination.

This is a bill that must be passed because it already was passed more than 40 years ago.

Mr. ANDREWS. Madam Speaker, I am pleased at this time to yield 1 minute to the gentlelady from New York, a leader on the Equal Rights Amendment Campaign, Mrs. MALONEY.

Mrs. MALONEY. This is a very important bill for working women in our country. The bill overturns the unfair Ledbetter decision where five members of the Supreme Court basically told employers everywhere that if you can just get away with cheating an employee—usually a woman—for 6 months and not have them call you on it, you have our permission to continue to cheat them for the rest of their working life with you, and there is absolutely nothing you can do about it. The message is immoral and against all commonsense. If you cheat and nobody catches you in the first 6 months, it's okay.

A jury of Ledbetter's peers ruled that in fact she had economically been discriminated against. The only question was, can someone cheat you week after week, year after year and receive a get-out-of-jail-free card if they don't get caught in the first 6 months they cheat?

As Ruth Bader Ginsburg said in her stinging rebuke to the Supreme Court, "The Court does not comprehend or is indifferent to the way in which women can be victims of pay discrimination."

It's a very important bill. Thank you, Ruth Bader Ginsburg.

Mr. ANDREW. Madam Speaker, I am pleased to yield 1 minute to the energetic and strong young lady from Florida, my friend, Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I met Lilly Ledbetter during a Judiciary Committee hearing in 2007. She told us then how it was only after 20 years of working at Goodyear that she learned of the long-standing pay discrimination against her. Immediately upon learning this, Lilly took her case to court. But instead of following long-standing precedent that each new unfair paycheck represented a new cause of action, the Supreme Court denied Lilly Ledbetter justice.

In the real world, discrimination is subtle and takes years to become evident. However, Justice Alito ruled that victims have only 180 days after the start of a discriminatory action to file suit, even if that employee has no way of knowing about it. This standard is impossible to meet. The Ledbetter Fair Pay Act rights this wrong. It clarifies that an employee is discriminated against each and every time she receives an unfair paycheck.

I thank Chairman MILLER and Congresswoman DELAUNO for their outstanding leadership on this issue, and for my two beautiful daughters and the daughters of America, urge my colleagues to support fair pay in the workplace.

Mr. McKEON. Madam Speaker, may I inquire as to how many further speakers there are?

Mr. ANDREWS. Madam Speaker, we have one further speaker, and then we would anticipate closure from the minority, in which case we would then close.

Madam Speaker, I am pleased to yield 30 seconds to a new Member, who is already making a very positive mark on this very important issue, the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. I thank my colleague for giving me 30 seconds.

I think today we right a wrong, a wrong not only about discrimination, but, frankly, a wrong done in the Supreme Court of the United States. The convoluted logic employed by a majority on that Supreme Court is also an injustice we, today, need to overturn. And so I'm so pleased to cast one of my first votes today on behalf of my daughter and all of the daughters of America to right this wrong.

Mr. McKEON. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, these are serious times. The economy is facing challenges like none we've faced in decades, and this time those challenges are on a global scale.

The U.S. Department of Labor released its December jobs report this morning, and the news is jarring. The U.S. economy shed some 524,000 jobs in the month of December, and total job losses for 2008 have reached 2.6 million. There are now 11 million Americans out of work, and the unemployment rate has climbed upward to 7.2 percent, the highest level since 1993.

The 111th Congress was sworn in this week amid these troubling indicators. What we do on this floor has the potential to help, but it also has the potential to harm. What we do here makes a difference, substantively, of course, but also symbolically. And what signal does it send to the Nation and the world that the first substantive order of business of the 111th Congress is not job creation or tax relief or economic stimulus, but, rather, a trial lawyer boondoggle that could put jobs and worker pensions in jeopardy.

We should have done better, and perhaps we could have done better if we had taken the time to craft a bipartisan bill, or if we would have had an open debate process that allowed all Members of this body to contribute in a thoughtful way.

Had this truly been a narrow fix, as its supporters would have the American people believe, this rush to approval may not have been such a problem. However, this is a major fundamental change to civil rights law, and no less than four separate statutes.

The last change to civil rights law of this magnitude, the 1991 Civil Rights Act, took 2 years of negotiation, debate and partisan accord to accomplish. Instead, what we have before us is a partisan product that is fundamentally flawed. It guts the statute of limita-

tions contained in current law, and in doing so would allow an employee to bring a claim against an employer decades after the alleged initial act of discrimination occurred. Trial lawyers, you can be sure, are salivating at this very prospect.

Madam Speaker, this is a bad bill that is the result of an equally bad process. I urge my colleagues to join me in opposing this bill.

Madam Speaker, I yield back the balance of my time.

Mr. ANDREWS. Madam Speaker, I yield myself the balance of our time.

Madam Speaker, Lilly Ledbetter won an award for being the best at her job in her company. She was woefully underpaid compared to the men along whom's side she worked doing the same job. She said that she was underpaid because she was a woman, the employer said she was underpaid because she wasn't as good at her job. So they both went before a jury of their peers in Alabama, and the jury unanimously decided that Ms. Ledbetter was right and the employer was wrong, and they decided that she should be financially compensated for that wrong. But then she got an unwelcome surprise, that because she hadn't acted at precisely the right moment, because she hadn't acted against a wrong she did not know existed yet, because she did not have the power of a stance, she could not file her claim.

The Supreme Court, with all due respect, turned this law into a trap and a game. Today, we are recorrecting that law, restoring the notion that when a woman goes to work in this country, she should be compensated on how good she is at her job, not her gender. Vote "yes" on this bill.

Mr. DINGELL. Madam Speaker. I am pleased to rise today to join with my colleagues in passing H.R. 11, the Lilly Ledbetter Fair Pay Act.

Ms. Ledbetter worked at Goodyear for over 19 years, retiring as a supervisor in 1998. Unbeknownst to Ms. Ledbetter during her time at Goodyear she earned 20 percent less in salary and a smaller pension than the lowest-paid male supervisor. While a jury found in Ms. Ledbetter's favor, agreeing that she had been discriminated against and awarding her \$3.8 million in back pay, the Supreme Court did not agree.

In 2007, the Supreme Court overturned this decision finding that Ms. Ledbetter made her claim too late. This decision ignored the fact that Ms. Ledbetter filed her charge within 180 days of a discriminatory paycheck from Goodyear, which is in line with the 180 days requirement under Title VII of the Civil Rights Act.

Today this Congress has an opportunity to pass this legislation that will not only help Lilly Ledbetter recover the wages she rightly deserved, but it will ensure that the women who come after Ms. Ledbetter will not have to suffer her same fate. Under this bill every paycheck or other compensation that is discriminatory in nature would restart the clock for filing a charge. Furthermore, it entitles employers up to two years of back pay, unlike the 180 days of back pay given to Ms. Ledbetter.

During today's economy more and more families are relying on two paychecks to put dinner on the table, buy school supplies for their children or visit the doctor. A smaller paycheck not only hurts female employees who deserve proper compensation, but the families they also must provide for. I urge my colleagues, to join with me in supporting both this bill. A vote in favor will go a long way in ensuring our daughters and granddaughters are treated as equals in the workplace.

Mr. LARSON of Connecticut. Madam Speaker, I rise today in strong support of the Lily Ledbetter Fair Pay Act (H.R. 11), which is the first of two bills the House will consider today focused on ensuring fair and equal pay for women in our workforce.

By now, most of us have heard the heart-rending story of Lily Ledbetter. Despite being intentionally paid 20 percent less than her male colleagues for 19 years, Ms. Ledbetter was denied damages by Supreme Court. In its May 27, 2007, the Court, by a narrow majority, ruled that because Ms. Ledbetter failed to file a claim within 180 days of the initial discriminatory action, she had missed her opportunity to challenge her employer.

Thankfully, we have the opportunity today to overturn the Supreme Court's egregious decision by approving the Lily Ledbetter Fair Pay Act. This legislation clarifies that each discriminatory paycheck represents a new act of discrimination and therefore restarts the 180 day statute of limitation. By restoring the law to as it was prior to the Supreme Court's ruling, we will ensure that women, such as Lily Ledbetter, who are unknowingly discriminated against for years retain the legal right to challenge their employer and obtain compensation for the discrimination that they have endured.

Madam Speaker, the legislation before us today does nothing more than restore common sense to the laws that protect our nation's women from discrimination. I urge all of my colleagues to fully support it.

Mr. CONYERS. Madam Speaker, I rise in strong support of H.R. 11, "The Lily Ledbetter Fair Pay Act." The time has come for the Congress to reverse the wrongheaded and discriminatory Supreme Court case of *Ledbetter v. Goodyear Tire Co.* If left intact, this case will not only continue to undermine the validity of our Nation's gender discrimination laws, but also laws that prevent employer discrimination based on race, religion, national origin, disability, or age.

Madam Speaker, I was shocked when I heard the story of Lily 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, in 2007, a majority of our anti-worker, pro-corporate Supreme Court denied her claim, ruling that employees must file a wage-discrimination complaint within 180 days of the very first discriminatory payroll decision. This means that in order to have her day in court, Ms. Ledbetter would have needed to file suit in 1979, even though there was no way she could have known that discrimination was occurring at that point. And even though each successive payroll left her with fewer dollars than her equally qualified colleagues, the Justices of the Supreme Court argued that Ms. Ledbetter had missed her chance at justice.

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.

Adding insult to injury, federal and state courts packed with conservative jurists have taken the precedent created by the Roberts Court's *Ledbetter* decision and expanded upon its logic—for the sole purpose of undermining a wide range of antidiscrimination laws. Because statutes which prevent discrimination are extremely similar in form to one another, it has been extremely easy for these jurists to employ the logic found in a gender discrimination case like *Goodyear* to disenfranchise claimants seeking redress under provisions of the Civil Rights Act, The Americans with Disabilities Act, the Immigration Reform and Control Act, The Age Discrimination in Employment Act, and many other laws aimed at ending anti-discrimination.

If enacted, this bill will clarify that each paycheck resulting from a discriminatory pay decision is a new violation of employment non-discrimination law. As long as a worker files a charge within 180 days of a discriminatory paycheck, the charge would be considered timely.

Madam Speaker, 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. For the sake of "equal pay for equal work" and the continued utility of all of our federal discrimination laws, I urge my colleagues to support this bill.

Ms. MCCOLLUM. Madam Speaker, I rise today in strong support of the Lily Ledbetter Fair Pay Act (H.R. 11, which addresses gender-based wage discrimination. This is a historic day in the fight for equal rights for women, and I would like to thank Speaker NANCY PELOSI and House leaders for making pay equity for women among the first votes in the 111th Congress.

Families are struggling with the current economic crisis, making it more important than ever that women, who are often the head of the household and make up nearly half the workforce, are compensated fairly and equitably. Leading the legislative session with measures to reverse gender-based wage bias is a clear signal of the level of commitment American families can expect from this Congress.

The disastrous economic policies of the Bush administration failed to address major workforce equity issues over the last eight years. It is unacceptable that on average, women only make 78 cents for every dollar earned by a man, according to the U.S. Census Bureau. That could mean a difference of \$400,000 to \$2 million over a lifetime in lost wages. Furthermore, the wage disparity grows wider as women age and threatens their economic security, retirement, and quality of life. The new Congress and the incoming administration must act quickly to protect America's workers from wage-discrimination.

The Lily Ledbetter Fair Pay Act seeks to level the playing field between men and women. This bill is named for a woman who worked for nearly two decades at a Goodyear

Tire and Rubber facility in Alabama. She sued the company when she learned that she was the lowest-paid supervisor at the plant, despite having more experience than several of her male counterparts. A jury found that her employer had unlawfully discriminated against her on the basis of sex. However, the Supreme Court said that *Ledbetter* had waited too long to sue for pay discrimination. This legislation will restore the intent of the Civil Rights Act before the Supreme Court decision and will keep employers from being able to run out the clock by keeping discriminatory practices hidden.

There is no question that our top priority is to get Americans and our economy working again. The Lily Ledbetter Fair Pay Act recognizes that equal pay is not only an issue of fairness for women, but also one of fairness for working families. In these tough economic times, this bill could make all the difference for working families to make ends meet in their everyday lives. Through these efforts we can help give families the resources they need to give their children a better future. Pay equity should not be a benefit that needs to be bargained for, it is a promise that the government must ensure.

I urge my colleagues to support this bill to ensure economic security for women, their families, and our communities. Through this legislation we can ensure a better future for our daughters granddaughters, and generations to come.

Mr. LANGEVIN. Madam Speaker, I rise in strong support of H.R. 11, the Lily Ledbetter Fair Pay Act. As an original cosponsor of this bill, I am pleased to see this legislation on the House floor today.

H.R. 11 would correct an injustice and break down barriers to equal pay. From 1979 until 1998, Lily Ledbetter worked as a supervisor for the Goodyear Tire & Rubber Company. Although *Ledbetter* initially received a salary similar to the salaries paid to her male colleagues, a pay disparity developed over time. By 1997, the pay disparity between *Ledbetter* and her 15 male counterparts had widened considerably, to the point that *Ledbetter* was paid \$3,727 per month while the lowest paid male colleague received \$4,286 per month and the highest-paid male colleague received \$5,236 per month. An anonymous note informed Ms. *Ledbetter* of this discrimination, which had been going on for years, and she immediately filed a complaint in 1998. A jury found in her favor, but, in a misguided Supreme Court decision, the jury's verdict was overturned. According to the Supreme Court, her complaint was too late.

This decision makes it more difficult for employees to sue for pay discrimination under Title VII, which was not the intent of Congress when the title was written into law. H.R. 11 would clarify that the statute of limitations for suing employers for pay discrimination begins each time they issue a paycheck and is not limited to the original discriminatory action. This change would be applicable not only to Title VII of the Civil Rights Act, but also to the Age Discrimination in Employment Act, the Rehabilitation Act of 1973, and the Americans with Disabilities Act.

Madam Speaker, I urge my colleagues to support this bill to protect women like Lily Ledbetter from taking their case for equal pay all the way to the Supreme Court, to support single mothers who may worry whether or not

they are being treated fairly by their employers while they provide for their children, and to ensure that daughters entering college can reach their full potential when they graduate.

Mr. GRIJALVA. Madam Speaker, the Supreme Court's recent decision in *Ledbetter v. Goodyear* was a giant step backwards for America in its commitment to fairness and equality. It is hard to believe that at the end of the first decade of the 21st century, our country is still struggling with gender based employment and wage equity. The *Ledbetter* decision made a legal remedy for this discriminatory practice considerably more difficult.

As Justice Ginsburg pointed out in her dissent, the decision counsels women to sue early on, "when it is uncertain whether discrimination accounts for the pay disparity you are beginning to experience. Indeed, initially you may not know that men are receiving more for substantially similar work. Of course, you are likely to lose such a less than fully baked case. If you sue only when the pay disparity becomes steady and large enough to enable you to mount a winnable case, you will be cut off at the court's threshold for suing too late."

Under this precedent, evidence of an employer knowingly carrying past pay discrimination forward must be treated as lawful. This was clearly not the intent of the legislation.

Today's legislation attempts to remedy the destructive effects of the Court's actions. Under this bill, each sex-based discriminatory salary payment constitutes a new violation of Title VII. As a result, if an individual uncovers a sex based discriminatory act related to compensation that has been going on for years, like Ms. *Ledbetter*, that individual can seek redress.

If we oppose discrimination in compensation then we must provide a legal recourse for those who have been discriminated against. The Fair Pay Act effectively restores this just and necessary remedy.

Mr. MORAN of Virginia. Madam Speaker. I rise today in support of H.R. 11, The Lilly Ledbetter Act. This legislation was passed by the House in the 110th Congress and we should pass it again today so the Senate can act swiftly and get this important initiative signed into law.

Mrs. *Ledbetter* was a victim of a system gone awry. When she was hired as a supervisor at Goodyear's tire assembly department in Gadsden, Alabama, her wages were exactly on par with those of a male employee working by her side. Mrs. *Ledbetter* didn't know her first paychecks matched her co-workers' paychecks. She just assumed they did.

Then, in 1998, an anonymous note informed her that her annual salary was lagging \$15,000 behind a certain male co-worker. In fact, she was being paid less than all her male counterparts in the tire assembly department, even recent hires.

Within a month after receiving the note, *Ledbetter* filed a discrimination charge with the Equal Employment Opportunity Commission. But Title VII of the 1964 Civil Rights imposes a six-month limitation period on discriminatory acts; *Ledbetter's* evidence was limited to events that took place after Sept. 26, 1997, or 180 days prior to her EEOC charge.

In November of 1998, she filed suit to determine and recoup her losses. Goodyear said *Ledbetter's* poor job performance was to blame. But she prevailed and was awarded

nearly \$4 million in pay and punitive damages, which the judge reduced to \$360,000. Of course, Goodyear appealed, and the 11th Circuit Court of Appeals' unanimous opinion tossed out the award and dismissed *Ledbetter's* complaint altogether.

In 2007, in a 5-4 decision, the United States Supreme Court upheld the 11th Circuit's decision, finding that the limitations period for a disparate pay claim cannot be extended or disregarded. But how can a claim be filed if there is no knowledge of the discriminatory act?

Congress must now act on Justice Ruth Bader Ginsburg's dissenting comment that she read from the bench: "the ball is in Congress's court," and "correct this parsimonious reading of Title VII." I agree with Justice Ginsburg; this court "does not comprehend, or is indifferent to, the insidious way in which women can be victims of pay discrimination."

Colleagues, let us pass this bill and correct this gross inequity.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, today, I am pleased to speak about two bills that will go a long way towards establishing gender equity in American workplaces. The Paycheck Fairness Act and the Lilly Ledbetter Fair Pay Act will help close the legal loopholes and restore the initial intent of our civil rights laws.

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 78 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 increases enforcement and accountability in cases of discrimination, and provides relief for women who face retaliation for standing up for equal pay. It also requires the Department of Labor to increase their efforts to end pay disparities.

Last year, the U.S. Supreme Court overturned a longstanding prior law making it increasingly difficult for workers to pursue legal remedies for pay discrimination. Today we will work to restore the intent of the Civil Rights Act through passage of the Lilly Ledbetter Fair Pay Act. We will no longer unfairly turn back to the clock on discrimination claims. An incident of pay discrimination occurs each time a worker receives a lesser paycheck because of their gender, and we must treat it as such. We can no longer distort the intent of the law to protect those who seek to discriminate.

These bills are not only for women, but 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 are 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 and the Lilly Ledbetter Fair Pay Act are strong

statements that this type of discrimination will not be tolerated. I would like to thank Congresswoman DELAUNO and Chairman MILLER for offering these important pieces of legislation, and commend the Democratic leadership for bringing these bills to the floor.

Mr. BLUMENAUER. Madam Speaker, today I am proud to support two important workplace civil rights bills addressing pay discrimination—the Lilly Ledbetter Fair Pay Act and the Paycheck Fairness Act. In the years since the 1963 Equal Pay Act, women have made enormous advances toward economic equality. However, the goal of "equal pay for equal work" is not yet reality.

Today, the average full-time working woman earns only 78 cents for every \$1 a man makes. Women of color are worse off. African-American women make 69 cents on the dollar, while Hispanic women make only 56 cents. A recent study of college graduates showed that in their first year after graduation, women earned only 80 percent as much as male graduates, demonstrating the gender pay disparities only compound over time.

These pay disparities equal a significant loss of income—anywhere from \$400,000 to \$2 million over a lifetime—which has a tremendous impact on lives of women and their families, especially as so many are struggling with the economic turnaround.

In 2007, the Supreme Court made it virtually impossible for victims of pay discrimination to go to court to vindicate their rights, holding that any challenges to pay discrimination must be filed within 180 days of an employer's initial decision to discriminate. The Lilly Ledbetter Fair Pay Act will overturn the Supreme Court's decision in *Ledbetter v. Goodyear Fire & Rubber Co.*, and restore the long-standing interpretation of civil rights laws that employees can file pay discrimination claims within 180 days of each discriminatory paycheck they receive.

The Paycheck Fairness Act strengthens the Equal Pay Act to ensure that it provides effective protection against sex-based pay discrimination by closing loopholes and barring retaliation against workers who disclose their wages. Additionally, it also allows women to receive the same remedies for sex-based pay discrimination that are currently available to those subject to discrimination based on race and national origin.

This meaningful legislation will help further advance American women and families' economic security and I am proud to support both.

Ms. ESHOO. Madam Speaker, I rise today to express my strong support for H.R. 11, the Lilly Ledbetter Fair Pay Act. I salute the extraordinary work of Chairman MILLER and Congresswoman DELAUNO to bring these important bills to the floor today.

Lilly Ledbetter worked for nearly 20 years at a Goodyear Tire and Rubber facility in Alabama. After 20 years, she received an anonymous note alerting her to pay discrimination against her. She learned that she was the lowest-paid supervisor at the plant, despite having more experience than many of her male counterparts. For 20 years she worked hard and played by the rules only to be paid less and treated unfairly. She then sued Goodyear for pay discrimination. A jury of her peers found that her employer had unlawfully discriminated against her on the basis of sex and awarded her back pay. Her case was appealed and

reached the Supreme Court which held that Ledbetter had waited too long to sue for pay discrimination, despite the fact that she filed a charge with the U.S. Equal Employment Opportunity Commission as soon as she received the anonymous note. The Supreme Court said that under Federal fair pay laws a person must file a discrimination claim within 180 days of the first violation.

Today our opponents will say that this bill is a trial lawyer's dream and that it will bring unnecessary litigation. This is simply not true. The Lilly Ledbetter Fair Pay Act restores the law as it was prior to the Supreme Court's decision. Prior law was fair and worked. Before the Court's ruling, the law was clear—every discriminatory paycheck was a new violation of the law that restarted the clock for filing a claim. Under the Supreme Court's ruling, the Ledbetter decision allows employers to escape responsibility by keeping their discrimination hidden and running out the clock.

The Lilly Ledbetter Fair Pay Act clarifies that each new paycheck resulting from a discriminatory pay decision constitutes a new violation of employment nondiscrimination law. As long as a worker files a charge within 180 days of a discriminatory paycheck, the charge would be considered timely.

This is what the law was and what it should be going forward. I'm very proud to support this bill and I urge a "yes" vote on the underlying legislation.

Mr. STARK. Madam Speaker, I rise in strong support of pay equity.

The Supreme Court's ruling in Ledbetter v. Goodyear was absurd. If I broke the law for nearly two decades—as the Goodyear Tire and Rubber Company did when they stifled Lilly Ledbetter out of the pay she deserved for 19 years—I couldn't turn around and say that I didn't owe anything because no one caught me during the first 6 months. Yet that's exactly what the Supreme Court allowed Goodyear to say to Ms. Ledbetter.

The existing law is unfair. Many workers don't even discover that they're being discriminated against until the existing 180-day statute of limitations has passed. In every other area of American tort law, the clock restarts with every new violation. The Lilly Ledbetter Fair Pay Act simply fixes existing law so that sex discrimination is treated the same way.

My Republican colleagues love to call up the "frivolous lawsuits" bogeyman to scare hard-working Americans out of their rights, but there's nothing frivolous about equality and justice. The wage gap in the United States has remained stagnant over the last 7 years. Women in the United States still make less than 78 cents for every dollar a man makes. Women of color have it even worse: African-American women earn only 68.7 cents and Latin American women 59 cents for every dollar an American man makes.

That's why I'm a co-sponsor of the Lilly Ledbetter Fair Pay Act, and why I encourage all of my colleagues to join me in passing this important legislation. American workers deserve better. They deserve equal pay for equal work, regardless of gender, race, ethnicity, religion, and sexual and gender orientation. When they don't get it, they deserve their day in court.

Mr. TIAHRT. Madam Speaker, I rise today in opposition to H.R. 11, the Lilly Ledbetter Fair Pay Act. Although I join my colleagues in steadfast opposition to pay discrimination, this

ill-advised, over-reaching, and disingenuous overhaul of civil rights law is the wrong approach.

Pay discrimination is not a partisan issue. Pay discrimination strikes at the heart of the American Dream. For more than 40 years, the 1963 Equal Pay Act and Title VII of the 1964 Civil Rights Act has made it illegal for employers to determine an employee's pay scale based on his or her gender. I wholeheartedly agree and support these laws. Every American should be able to work hard, and make a living for his or her family. We can not tolerate gender discrimination in the workplace.

This legislation, however, is about bad politics rather than good policy. H.R. 11 was supposedly written to remedy a sad situation for one person—Lilly Ledbetter. She was apparently paid significantly less than her counterparts at Goodyear Tire Company during her tenure there. Decades later Ms. Ledbetter filed a claim of discrimination. Taking her claim through the courts, the U.S. Supreme Court ruled on May 29, 2007 that the statute of limitations had unfortunately run out.

Instead of simply restoring prior law, by overturning a Supreme Court ruling against Ms. Ledbetter, in reality, Democrats will gut a decades-old statute of limitations that prevents the filing of "stale" claims and protects against abuse of the legal system. Current law rightly provides a statute of limitations to file a discrimination claim, up to 300 days after the alleged workplace discrimination occurred. Under this bill, however, employees or retirees could sue for pay discrimination years, even decades, after the alleged discrimination.

How can a company defend itself when the accused offenders left the company decades before? The answer is—they can't. And that is exactly the answer desired by the trial lawyers who support this legislation. This legislation will not end pay discrimination, but it will certainly encourage frivolous claims and lawsuits. It is inevitable that under this legislation employees will sue companies for reasons that have little if anything to do with the accused discrimination.

Madam Speaker, the issue of pay discrimination is too important to consider this poorly crafted, politically motivated piece of legislation. As much as we sympathize with Ms. Ledbetter, H.R. 11 is bad legislation. Let us instead join together, work in a bipartisan manner, to address pay discrimination while not destroying decades-worth of solid employment discrimination law. Until then, I ask my colleagues to join with me in opposing this legislation.

Mr. HOLT. Madam Speaker, I rise in strong support of the H.R. 11, the Lilly Ledbetter Fair Pay Act of 2009.

For nearly 20 years, Lilly Ledbetter worked at a Goodyear Tire facility in Alabama. After learning that she was the lowest paid supervisor—earning 20 percent less than the lowest paid, least experienced man in the same position at Goodyear—she sued the company for pay discrimination. On May 29, 2007, after a series of cases and appeals, the Supreme Court handed down a disturbing 5–4 ruling that fundamentally rewrote protections that American workers have enjoyed for more than 40 years when they were codified in the Civil Rights Act of 1964.

According to Justice Samuel Alito, who wrote the flawed decision, when Ms. Ledbetter failed to file a discrimination case within the

statutorily provided 180 days from the initial decision to pay her less than her male colleagues, she was barred from filing a complaint and no relief was available. Despite documenting the sex based evaluation system Goodyear managers used, Lilly Ledbetter was denied justice and the rights afforded to her under the Civil Rights Act.

Justice Alito's opinion runs contrary to decades of civil rights law, and the Lilly Ledbetter Fair Act would restore the law as it was prior to the Court's ill considered decision. This bill would make it clear that when it comes to discriminatory pay, the protections of Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act and the Rehabilitation Act extend not only to these discriminatory pay decisions and practices but to every paycheck that results from those pay decisions and practices.

As an original cosponsor of the Lilly Ledbetter Fair Pay Act, I urge my colleagues to support its passage, and I encourage the Senate to work quickly to send it to the President.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to section 5(a) of House Resolution 5, the bill is considered read and the previous question is ordered.

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.

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 yeas appeared to have it.

Mr. GEORGE MILLER of California. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this bill will be postponed.

PAYCHECK FAIRNESS ACT

Mr. GEORGE MILLER of California. Madam Speaker, pursuant to section 5(b) of House Resolution 5, I call up the bill (H.R. 12) 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, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 12

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