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NOT VOTING—6

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Massa
Solis (CA)
Tiberi
Waxman
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes are remaining on this vote.

□ 1458

Mr. ROSS changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MEMBERS OF THE HOUSE TO BE AVAILABLE TO SERVE ON INVESTIGATIVE SUBCOMMITTEES OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore. Pursuant to clause 5(a)(4)(a) of rule X, and the order of the House of January 6, 2009, the Chair announces the Speaker named the following Members of the House to be available to serve on investigative subcommittees of the Committee on Standards of Official Conduct for the 111th Congress:

Mr. GENE GREEN, Texas

Mr. SCOTT, Virginia

□ 1500

COMMUNICATION FROM THE REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican leader:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 27, 2009.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to clause 5(a)(4)(A) of rule X of the Rules of the House of Representatives, I designate the following Member to be available for service on the investigative subcommittee of the Committee on Standards of Official Conduct during the 111th Congress: The Honorable Doc Hastings of Washington.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

LILLY LEDBETTER FAIR PAY ACT OF 2009

Mr. GEORGE MILLER of California. Mr. Speaker, pursuant to H. Res. 87, I call up the Senate bill (S. 181) 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 in the House.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 181

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), pursuant 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 (Mr. HOLDEN). Pursuant to House Resolution 87, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

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

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on S. 181.

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

There was no objection.

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

Mr. Speaker, today the House of Representatives meets to give final approval to the Lilly Ledbetter Fair Pay Act and send it to President Obama for his signature. What a difference a new Congress and a President make.

Nondiscrimination in the workplace must be a sacred American principle. Workers should be paid based upon their merits, not an employer's prejudices. Yet, more than 40 years after the passage of the Civil Rights Act of 1964, the Supreme Court dramatically turned back the clock on this bedrock principle. Instead of abiding by decades of long-standing law, a narrow majority of the Supreme Court decided to commit legal jujitsu to satisfy a narrow ideological agenda. The Supreme Court simply told bad employers that to escape responsibility for pay discrimination all they need to do is keep it hidden for the first 180 days.

The Ledbetter ruling has already dramatically impacted how Americans can remedy discrimination. It has been cited in hundreds of cases over the past 19 months since the ruling. Not only have pay discrimination cases been adversely impacted, but even fair housing protections and title IX complaints. The Supreme Court sent these lower courts backwards down the wrong path, and today the Congress will correct that course by passing this bill.

The Lilly Ledbetter Fair Pay Act would simply reset the law as businesses, most courts, employers and employees and the EEOC had understood it before the Court's 2007 ruling. Under S. 181, every paycheck or other compensation resulting, in whole or part, from an earlier discriminatory pay decision or other practice would constitute a violation of title VII. In other words, if an employer keeps issuing discriminatory paychecks, that employer will keep restarting the clock for filing charges. That's only fair. As long as workers file their charges, as Lilly Ledbetter herself did, within 180 days of a discriminatory paycheck, the charges will be considered timely. The legislation also clarifies that an employee is entitled to up to 2 years backpay as provided in title VII already.

Finally, S. 181 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.

Correcting pay discrimination poses significant challenges to workers, made all the harder with the Supreme Court's Ledbetter decision. This is best illustrated by Lilly Ledbetter's own words from an Education and Labor Committee hearing in 2007: ''What happened to me is not only an insult to my dignity, but it had real consequences for my ability to care for my family. Every paycheck I received, I got less than what I was entitled to under the law.

''The Supreme Court said that this didn't count as illegal discrimination, but it sure feels like discrimination when you are on the receiving end of that smaller paycheck and trying to support your family with less money than the men are getting for doing the same job. And according to the Court, if you don't figure things out right away, the company can treat you like a second-class citizen for the rest of your career. This isn't right.''

I agree with Lilly Ledbetter: what happened to her wasn't right.

Unfortunately, it's too late for Lilly Ledbetter to receive justice. But today, thanks to Lilly's incredible courage and perseverance, and thanks to millions of Americans making their voices heard, Congress will reject this ruling for the millions of Americans suddenly now subject to legal discrimination.

The Ledbetter v. Goodyear Supreme Court ruling was a painful step backwards for civil rights in this country. Today, the House will correct this injustice and send President Obama his first bill to sign into law. All victims of discrimination are entitled to justice, and I urge my colleagues to support the Lilly Ledbetter Fair Pay Act.

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

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

Mr. Speaker, the bill before us was the first substantive piece of legislation considered by the 111th Congress. In a matter of days, it could be one of the first substantive measures signed into law by the 44th President of the United States. And despite all the promises of openness and bipartisanship, at the end of the day it will have been considered not once, not twice,

but three separate times in the House without the opportunity to debate a single Republican amendment. It didn't have to be this way.

This legislation is supposed to be about protecting workers—and especially women—from discrimination in the workplace. Like my colleagues on both sides of the aisle, I am strongly opposed to discrimination of any type, be it gender discrimination, racial discrimination, or any other type of discrimination inside or outside the workplace. Rooting out such discrimination is a bipartisan goal, and I cannot think of a single reason why it is not being given a bipartisan debate.

The arguments on both sides of this bill are clear, and they have been debated on this floor before. For my part, I believe that enriching trial lawyers is simply the wrong way to ensure a fairer, more just workplace; and clearly that's what this bill will do. By eliminating the statute of limitations, the bill invites more and costlier lawsuits. We're talking about economic stimulus this week, so it's only fitting that we begin with an economic stimulus package for trial lawyers.

But for me, Mr. Speaker, the controversy we face today is not just the underlying legislation, although it certainly is controversial. No, the controversy today is the stunning lack of openness being shown by a majority that seems intent on wielding the heavy hand of power.

Less than 24 hours ago, the Rules Committee held an emergency meeting in order to bring this bill to the floor today. As I understand it, the job of the Rules Committee is to consider potential amendments and decide which of those will receive a vote by the full House. After 2 years of watching Republican amendments routinely discarded without a vote, I wasn't surprised that the majority brought this bill to the floor under a closed rule. What surprised me was that they didn't even bother to keep up the illusion that they might make one of our proposals in order. In fact, the Rules Committee did not even set a deadline for amendments on this bill, so certain were they that not a single proposal would be worthy of consideration.

For the record, I offered two amendments that were refused by the majority, two amendments that I believe were consistent with the majority's stated goals of preventing wage discrimination and overturning the Ledbetter decision. At the same time, I believe those amendments would have helped to avert at least some of the unintended consequences this legislation is sure to spawn. I did not ask the majority to guarantee that my amendments would pass; I simply asked for a debate among the Members of good will who can argue the merits and vote as they see fit. I was denied.

Mr. Speaker, workplace discrimination is a serious issue and it deserves a serious debate. What a disappointment this is.

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

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

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

Mr. ANDREWS. Mr. Speaker, I would like to thank my friend for yielding.

Lilly Ledbetter went to work in a factory in Alabama. She was one of the best at her job as a supervisor. She routinely won awards for being best at what she did. Late in her career, when she retired, she found out that she was systemically paid about 30 percent less than the men next to whom she worked. She filed suit in Federal court. The company said she wasn't underpaid because she was a woman, she was underpaid for other reasons. A jury of her peers heard her case and the employer's case, and she won unanimously.

The case went up through the United States Supreme Court. The United States Supreme Court, in the case that now bears her name, unfortunately, said that because she didn't file suit when she didn't know that she had been discriminated against, she couldn't recover. So because the employer was successful at hiding the discrimination for a period of time, she couldn't recover.

Lilly Ledbetter could be any one of our mothers, daughters, sisters, wives, or neighbors. What was done to her is an affront not only to her, but to the law. Women should not confront this law as a trap to deny them their rights. The law should not be a vessel of injustice. And we should not wait to pass this bill, put it on President Obama's desk, and make it the law of the land today.

Mr. MCKEON. Mr. Speaker, I'm happy to yield at this time to the gentleman from Minnesota, the ranking member of the subcommittee that has jurisdiction, such time as he may consume, Mr. KLINE.

Mr. KLINE of Minnesota. I thank the gentleman for yielding.

Mr. Speaker, I rise today to oppose, yet again, seriously flawed legislation. As you know, we passed this bill just 2 weeks ago, and it is before us once again.

Unfortunately, the flaws and the potential damage to our civil rights and our economy remain. The enthusiastic supporters of the Ledbetter Act continue to beat the drum, claiming we are simply voting on a straightforward bill to reverse a Supreme Court decision involving discrimination in the workplace. Despite the passage of time and continued requests by my colleagues and I in the minority party, however, they are no closer to telling the whole story.

Mr. Speaker, the bill before us would reverse a court decision for the benefit of Lilly Ledbetter, but perhaps more significantly, it would dismantle the long-standing statute of limitations established by the 1964 Civil Rights Act. And this is the reason that the Supreme Court ruled the way they did. They held that the statute of limitations is an important part of our society, of our government, of our way of doing business in this country, and we need to preserve that statute of limitations.

While I can understand the pain that Ms. Ledbetter felt, can you imagine as an employer trying to keep track of decisions going back 20 years and more and trying to defend those in a court? It is not practical, it's not fair.

This bill would set into motion unintended consequences that its supporters simply are not willing to acknowledge, including radically increasing the opportunity for frivolous and abusive litigation. This is, indeed, another boon for trial lawyers.

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.

Just this weekend our new President said our economic troubles are worsening. We should heed his caution and recognize that in such a climate we cannot afford to enable endless litigation and potentially staggering record-keeping requirements on employers. We are trying to get employers to create more jobs to hire more people.

We must also be wary of the devastating effect this bill could have on pensions by exposing employers to decades-old discrimination claims that they have little—or I would argue no—ability to defend. This legislation could risk the retirement security of many hardworking Americans.

Mr. Speaker, it's very clear that this legislation amounts to a significant change in our civil rights laws. And despite a delay, we have had no more debate or deliberation, leaving unanswered many relevant questions that deserve to be addressed through the normal legislative process.

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 again to vote ''no.''

Mr. GEORGE MILLER of California. I yield myself 15 seconds just to say, according to the analysis done by the Congressional Budget Office, there is no new cost associated with this legislation because it creates no new cause of action, and no anticipated increase in litigation in spite of the remarks of the gentleman from the other side of the aisle. And that's what the independent analysis shows of this legislation.

I would like now to yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), the subcommittee Chair of the committee of jurisdiction.

□ 1515

Ms. WOOLSEY. Mr. Speaker, I don't know about the rest of you, but I've come to think of Lilly Ledbetter as my girlfriend. I mean she has been so important to all of us and to women and to the issue on this landmark day that we have today for women and American workers and their families because this bill does tell the whole story. And at the end of this debate, we will be one step closer to overturning an unjust Supreme Court decision, a decision that offered a restricted and decidedly unrealistic reading of when a discriminatory action regarding compensation actually occurs.

Good for the Senate for joining us in passing the Lilly Ledbetter Fair Pay Act and with an overwhelming bipartisan vote at that, giving us the go-ahead to do exactly the right thing.

Sadly, Lilly Ledbetter will not be affected by our actions, but we know that she has paved the way for others who will benefit from her bravery and will have recourse when they are paid less than their male counterparts.

The President understands that equality and fairness are crucial in a free society. He understands that more than 40 years after the passage of the Equal Pay Act, women are still paid an average of just 78 cents for every dollar a man earns.

I urge my colleagues to pass this bill, and I look forward to President Obama's signing it into action, into law, the Lilly Ledbetter Fair Pay Act.

Mr. MCKEON. Mr. Speaker, I am happy to yield at this time to the gentleman from California, a new member of the committee, Mr. MCCLINTOCK, such time as he may consume.

Mr. MCCLINTOCK. I thank the gentleman for yielding.

Mr. Speaker, much has been said about the chilling effect this legislation will have on our economy because of the endless lawsuits it makes possible, including for grievances that may stretch back 30 years or more, and I certainly share those concerns.

But I want to express a deeper concern with this legislation. I believe it hurts the cause of equality and opportunity in the workplace by making it more difficult for the people who need jobs and who most want those jobs to actually get them.

Any person's labor is worth exactly what that person's willing to receive and what another is willing to pay. The decisions that are made by both the employee and the employer are unique to those people and to those circumstances. Someone passionately wanting to break into a field, for example, or to stay in a region or to shorten a commute or an infinite variety of other considerations may be willing to accept less in order to gain those non-economic advantages than someone who is equally qualified but indifferent to those advantages. Imposing rigid one-size-fits-all requirements into the relationship between an employee and an employer reduces the employee's freedom to negotiate for the best set of overall conditions for his or her own unique circumstances. And lest we forget, when all else fails, there is a fail-safe and absolute protection: It's the word ''no.'' No, the pay is not acceptable; no, the conditions are not satisfactory; no, I can get a better job elsewhere.

Mr. Speaker, freedom works, and it's time that we put it back to work.

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

Mr. HARE. Mr. Speaker, I am happy to rise once again in strong support of the Lilly Ledbetter Fair Pay Act, and I commend the Senate for passing the legislation so quickly and commend the leadership of this House, Chairman MILLER, for bringing it to the floor for its final vote.

It's remarkable that the potential first piece of legislation signed into law by President Obama this year is one that will help victims of pay discrimination.

Last year I had the privilege of hearing Mrs. Ledbetter testify before the Education and Labor Committee. After 19 years, 19 years as a Goodyear employee, Mrs. Ledbetter discovered she was paid significantly less than every single one of her male counterparts. She took her case all the way to the Supreme Court where it was thrown out on a technicality. She filed her paperwork too late. Unfortunately, Mrs. Ledbetter had no idea this was even happening to her. I suppose the Supreme Court decided that Mrs. Ledbetter was a mind reader.

This 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 employees have 180 days after each discriminatory paycheck to file a suit.

Again, I am pleased Congress is acting swiftly to correct a disastrous Supreme Court ruling that allows bad employers to discriminate against their employees as long as they hide it for 180 days. I urge all of my colleagues to vote for S. 181 so we can promptly send it to the President's desk.

Thank you, Lilly Ledbetter.

Mr. MCKEON. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO), a champion of fair pay and equal pay for women.

Ms. DELAURO. Mr. Speaker, I rise in support of the Lilly Ledbetter Fair Pay Act. I congratulate Chairman MILLER, the driving force behind this effort, who, with great tenacity and great leadership, has given this issue the priority that it deserves.

Together, with his colleagues on the Education and Labor Committee and our dedicated partners in the Senate, Chairman MILLER has brought gender-based pay discrimination front and center in this Congress, and as a result, we finally have the opportunity to send powerful legislation to the President's desk today.

We are here because Lilly Ledbetter got shortchanged, shortchanged by her employer, the perpetrator of consistent pay discrimination lasting years; and shortchanged again by the Supreme Court.

A jury found that, yes, Lilly Ledbetter had been discriminated against by her employer. They awarded her $3.8 million in back pay and damages. But then under Title VII, this award was reduced to $360,000, and ultimately zero when the Supreme Court ruled 5–4 against her in 2007, 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 has essentially rolled back efforts to ensure equal pay and left women with little remedy.

As Justice Ginsburg suggested in her dissent, Congress has an obligation to correct the court's decision. That is why we must pass the Lilly Ledbetter Fair Pay Act, clearly stating that Title VII statute of limitations 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.

But we cannot stop there. I strongly urge the Senate to build on this vital foundation. Take up the Paycheck Fairness Act, which this House passed in tandem with the Lilly Ledbetter Fair Pay Act, to face gender discrimination head on and eliminate the systemic discrimination faced by women.

Mr. Speaker, that process starts in earnest. With the Lilly Ledbetter Fair Pay Act, we can begin to ensure pay equity. We can help families gain the resources they need to give their children a better future, the great promise of our American Dream. Let us make good on that promise, pass this bill. Let us make sure that women who face the discrimination that Lilly Ledbetter faced have the right and the tools to fight against it.

Mr. MCKEON. Mr. Speaker, I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, first of all, I congratulate the Democratic leadership on moving this bill forward, George, Rosa, Lynn, so many who worked so hard on it.

The Lilly Ledbetter Fair Pay Act stands for equal pay for equal work. This bill overrules the outrageous Supreme Court decision which rejected Ms. Ledbetter's pay discrimination

case because she had not sued quickly enough to end an injustice. An injustice is an injustice, and it should not have a time limit on correcting it.

Forty years after the passage of the Equal Pay Act and title VI, statistics show that women continue to be paid less than their male colleagues. When I entered the workforce, women were paid 59 cents to every dollar a man earned. Today it's up to 78 cents. A disparity which costs women anywhere from $400,000 to $2 million in lost wages over a lifetime. This is terribly unfair.

In the midst of the dire economic reports of these last weeks and months, today this Congress can take a step towards helping women and families who are struggling by passing the Lilly Ledbetter Fair Pay Act. There are too many Lilly Ledbetters in our country, and when you discriminate against a woman, you discriminate against her family, her husband, her children. Passing the Fair Pay Act sends a strong message of fairness and equity to women and families everywhere.

This may be the first bill that gets to President Obama's desk. It shows a change and a shift of priorities between a Democratic Congress and the one we replaced. I congratulate all my colleagues and the Democratic leadership for moving it forward.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia, Congresswoman ELEANOR HOLMES NORTON.

Ms. NORTON. Kudos to Mr. MILLER, who would not give up on this bill, for his early hearings and this early consideration now, and to the Speaker and to our leadership for this early floor time just when women need us most when the economy is indeed punishing them enough.

I hold here a settlement agreement that is perhaps the best evidence of why we need this bill. The first case brought under the so-called Congressional Accountability Act, that was the act of about 10 or 15 years ago that said that the Congress had to abide by the same rules and rights as workers have in the private sector. This suit was brought by 300 current and former female custodians. All of them were African American women. They accused the House of Representatives and the Senate of paying them $1 less than men who had comparable jobs. After a long period of depositions and discovery, where a class was approved, the Congress paid $2.5 million to these women.

Like Lilly Ledbetter, most of them had worked for many years as female custodians in the House and the Senate. Like Lilly Ledbetter, they had no idea they were being paid less than the men who did the same jobs, collecting our trash, if you will, in our offices. The way they found out and the only way they found out is that they were represented by a great union, the American Federation of Government Employees, who represented them in court and got the settlement. I remember going over to the Ford building and helping to hand out the checks. Many of the women, like Lilly Ledbetter, were near retirement. And this settlement agreement shows that those women, unlike Lilly Ledbetter, indeed received funds from the United States Congress under the Equal Pay Act. That is how the act was enforced when I chaired the Equal Employment Opportunity Commission. That is how it was enforced before I chaired the Equal Employment Opportunity Commission. And that is how we return it today.

I would like to include this settlement agreement in the RECORD.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

PATRICIA HARRIS, et al., Plaintiffs, v. OFFICE OF THE ARCHITECT OF THE CAPITOL, Defendant.

C.A. No. 97–1658 (EGS), Filed July 25, 2001, Nancy Mayer Whittington, Clerk, U.S. District Court.

SETTLEMENT AGREEMENT

This Settlement Agreement is entered into this 20th day of July 2001, between plaintiffs Patricia Harris, *et al.* as class representatives, (hereinafter collectively referred to as ''plaintiffs''), on the one hand, and defendant the Office of the Architect of the Capitol (hereinafter referred to as the ''Architect''), on the other hand, for the purpose of finally resolving all aspects of this class action. In the interest of avoiding the expense, delay, and inconvenience of further litigation of the issues raised in this action, and in consideration of the mutual promises, covenants, and obligations in this Agreement, and for good and valuable consideration, the receipt and adequacy of which are acknowledged, plaintiffs and defendant, through their undersigned counsel, hereby stipulate and agree as follows, subject to the approval of the Court.

I. DEFINITIONS AND GENERAL PROVISIONS

A. ''Agreement'' and ''Settlement Agreement''—These terms refer to this Settlement Agreement and all attachments thereto.

B. ''Effective date of this Agreement''—This term refers to the date of Final Court Approval of this Agreement.

C. ''Final Court Approval''—This term refers to the latest of the following dates, after the conduct of a Fairness Hearing and approval of this Agreement by the Court: the date on which any and all appeals from any objections to the Agreement have been dismissed, a final appellate decision upholding approval has been rendered, or the time for taking an appeal has expired without an appeal having been taken. If there are no objections to the Agreement, this term refers to that date, following the conduct of the Fairness Hearing, on which the Court grants final approval of the Agreement.

D. ''Preliminary Court approval''—This term refers to that date, following submission of this Agreement to the Court by the parties but prior to the conduct of a Fairness Hearing, on which the Court grants initial approval of the Agreement.

E. The ''parties' execution of this Settlement Agreement''—This term refers to the date on which all parties have signed the Agreement.

F. ''Plaintiffs'', ''plaintiff class'' or ''class members''—These terms refer to the class of plaintiffs certified by the District Court on February 29, 2000:

''All women custodial workers employed by the Architect of the Capitol on or after January 23, 1996, the effective date of the Congressional Accountability Act, including those who terminated their employment or retired after that date and who were hired after that date, with respect to the causes of action alleged herein as violative of Section 201(a) and (b) of the Congressional Accountability Act, 2 U.S.C. §1311(a) & (b), which incorporate the rights and remedies of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e–2 and other sections cited therein, and make them applicable to the defendant and the legislative branch generally.''

G. ''Plaintiffs' counsel'' and ''counsel for plaintiffs''—These terms refer to plaintiffs' class counsel, Beins, Axelrod & Kraft, P.C. ''Counsel for the parties'' refers to counsel for the plaintiff class and counsel for the defendant.

H. ''Active Class Members'' are the class members who are currently employed with the Architect as of the date of the parties' execution of this Settlement Agreement who elect not to retire.

I. ''Inactive Class Members'' are those class members who, as of the date of the parties' execution of this Agreement, have been terminated or retired, died, resigned or been promoted out of the class. The retired class members who are part of the Inactive Class Members are those class members who retired before April 9, 2001.

J. ''Retirement Eligible Class Members'' are those class members who had not retired as of April 9, 2001, but who 1) are retirement eligible (by qualifying age and years of service), and 2) elect to retire pursuant to the terms of Section II (B) of this Agreement.

K. The term ''night custodial workers'' refers to female employees who work during the night shift.

L. The term ''day custodial workers'' refers to female employees who work during the day shift.

M. The Office of Personnel Management will be hereinafter referred to as ''OPM.''

N. The Congressional Accountability Act will be hereinafter referred to as the ''CAA.''

II. MONETARY RELIEF

A. Active Class Members and Inactive Class Members

1. Pursuant to Section 415 of the CAA, a lump sum payment from the Department of Treasury will be made to plaintiffs' counsel (to be calculated as set forth in paragraph two below) to distribute to the Active Class Members and the Inactive Class Members at plaintiffs' counsel's discretion, except that those Inactive Class members who were terminated for cause will not receive a payment for any time period beyond the date they were terminated.

2. The lump sum payment for distribution by plaintiffs' counsel to the Active Class Members and Inactive Class Members will be based on the sum of two calculations: 1) the number of Active Class Members multiplied by $7,000 and 2) the number of Inactive Class Members multiplied by $4,000. The lump sum payment for distribution to the Active Class Members will be reduced by $7,000 for each Active Class Member who is retirement eligible and elects to retire. Any money paid under this subparagraph that has not been distributed to class members two years after Final Court Approval of the settlement will be remitted back to the Office of Compliance to be returned to the Department of Treasury.

B. Retirement Eligible Class Members

1. Pursuant to Section 415 of the CAA, an individual lump payment from the Department of Treasury will be made in the amount of $20,000 to each of the Retirement Eligible Class Members.

2. Only those class members who: a) are eligible to retire as of April 9, 2001 or become eligible to retire during the period of April 9, 2001 through September 30, 2001, and b) who

actually retire during the period of April 9, 2001, through September 30, 2001, may retire during this period and receive the individual lump sum payment described in paragraph B.1 above. All class members who are eligible to retire during this period will have 60 days after receiving the class notice (as described more fully below) to designate whether they will retire. A class member's decision under this paragraph is irrevocable unless the Court disapproves this Agreement.

3. In order to be eligible for the individual lump sum payment described in paragraph B.1 above, each class member who chooses to retire before Final Court Approval of the Settlement and actually begins her retirement before Final Court Approval must agree in writing, and will acknowledge in writing, as follows:

''If the Court does not finally approve the Settlement Agreement, I will not receive the $20,000 individual lump sum payment or have any further recourse against the Architect, except to continue as a plaintiff in *Harris v. Office of the Architect of the Capitol*, Civil Action No. 97–16587

C. Payment Terms

1. Pursuant to Section 415 of the CAA, payments under Sections II and III of this Settlement Agreement shall be made from the Department of Treasury. Payments shall be made to class members whom the parties have identified and who have exhausted the counseling and mediation procedures of the CAA. Class members identified after the execution of this Agreement will be required to exhaust the counseling and mediation procedures of the CAA in order to be eligible for the relief described in Sections II and III of this Settlement Agreement.

2. Plaintiffs' counsel and the Retirement Eligible Class Members shall receive the payments as set forth in sections A and B above within sixty (60) days after Final Court Approval of the Settlement.

3. Nothing in this Agreement shall increase or decrease the amount oftaxes owed by the plaintiffs under the tax code and other applicable provisions of law.

D. Attorneys' Fees and Costs

1. Pursuant to Section 415 of the CAA, a payment of $290,000 from the Department of Treasury shall be made to plaintiffs' counsel, which represent plaintiffs' counsels' costs and fees at the applicable *Laffey* rates as of August 31, 2000. This payment will be made within a reasonable time period. Defendant agrees to assist in expediting this payment by taking whatever steps are reasonably possible in accordance with established procedures of the United States Attorney's Office. In addition, pursuant to Section 415 of the CAA a one-time lump sum payment from the Department of Treasury shall be made to plaintiffs' counsel for reasonable fees and costs after August 31, 2000 at the applicable *Laffey* rates, based on monthly invoices to be submitted to and approved by Defendant's counsel. Plaintiffs' counsel will submit an invoice for each month in which services are performed after August 31, 2000 following the parties' execution of this Agreement

2. Pursuant to Section 415 of the CAA, a payment from the Department of Treasury in the amount of $5,235.00 to plaintiffs' counsel for plaintiffs' expert fees.

3. Defendant shall pay the mediator in this matter, Linda Singer, the sum of $9,484.22, which is the amount owed for her services as of November 15, 2000. Defendant agrees to pay Ms. Singer's additional fees if the parties require her services after November 15, 2000, not to exceed $16,000. To the extent plaintiffs have paid any mediation fees to Ms. Singer, defendant will reimburse plaintiffs for those fees in lieu of Ms. Singer.

III. NON-MONETARY RELIEF

A. Prospectve Promotions With Pay for Active Class Members

Within sixty days after Final Court Approval of this Agreement, all Active Class Members will receive a promotion. The promotion will be retroactive to the date of Final Court Approval ofthe Settlement. All Active Class Members who are night custodial workers will be upgraded from a WG–2 to a WG–3 and will be paid at the WG–3 level at their current step. All Active Class Members who are day custodial workers will be upgraded from a WG–2 or WG–3 to a WG–4 and will be paid at the WG–4 level at their current step. No Retirement Eligible Class Member will receive the promotion referred to in this paragraph A. All Active Class Members who are night custodial workers will retain their night differential.

B. Retroactive Promotions

Within six months of the date of Final Court Approval, the Architect will retroactively promote all class members as of January 23, 1996, the effective date of the CAA. All night custodial workers will be retroactively promoted to a WG–3 at the step they would have held if they had been a WG–3 on January 23, 1996. All day custodial workers will be retroactively promoted to a WG–4 at the step they would have held if they had been a WG–4 on January 23, 1996. No class member will receive back pay as a result of this retroactive promotion. To effectuate this provision of the Agreement, pursuant to Section 415 of the CAA, a payment from the Department of Treasury shall be made in an amount sufficient to make all appropriate payments to the Office of Personnel Management for the retirement fund under Chapter 83 or 84 of Title 5 U.S. Code, which includes payments for each class member and the AOC and appropriate deductions for any additional coverage for the Federal Employee Group Life Insurance Program (''FEGLI'').

The National Finance Center (''NFC'') will calculate the additional amount of employee retirement withholding and employer contribution due for each pay period of the retroactive promotion for each class member. This additional amount will be based on the difference in the base pay of the class members' old and new grade levels, multiplied by the applicable statutory percentages for the employee deduction and the agency contribution to the retirement fund. The NFC will also calculate for each class member, if applicable, the amount of any additional deductions for the MU. Additionally, pursuant to Section 415 of the CAA, a payment shall be made from the Department of Treasury in an amount sufficient to pay an invoice submitted to the AOC by the NFC for the cost of performing the referenced calculations under this section, including overtime charges and indirect costs.

C. Notice of Vacant Positions

Beginning sixty days after Final Court Approval of this Agreement, the Architect will send all vacancy announcements for Wage Grade and GS positions for which plaintiffs may be eligible (including but not limited to Wage Grade and GS 3, 4, 5 and 6 positions) to the plaintiffs' counsel on a monthly basis for one year.

IV. PROCEDURES FOR CLASS NOTICE

A. Notice to Potential class Members

Within 60 days after Preliminary Court Approval of this Agreement, the Architect shall send a Notice to potential class members at their last known address. Attachment A hereto is a proposed ''Notice of Proposed Settlement and of Hearing on Proposed Settlement'' (''Fairness Notice''), which the parties hereby request that the Court approve in connection with scheduling the Fairness Hearing, as set forth in paragraph VI below. This notice to class members shall also include this Agreement. The Architect shall pay for the cost of this mailing.

B. Published Notice

In order to advise all potential class members of their rights under this Agreement, including class members who have retired, who have relocated, or whose current location is unknown, the Architect shall arrange for the publication, at the Architect's expense, of a one-time Notice in the general news sections of the District of Columbia Metro and Prince George's County editions of *The Washington Post*, and in *Roll Call*. The text of the published notice will be submitted to plaintiffs' counsel for their review and approval in advance of publications.

V. PROCEDURES FOR FAIRNESS HEARING

A. Hearing No Later Than 60 Days After Preliminary Approval

The parties request that the Court schedule a Fairness Hearing to be held no later than 60 days after the Court preliminarily approves the settlement.

B. Objections to Settlement Agreement

Any person who wishes to object to the terms of this Agreement, must submit, not less than 15 days prior to the Fairness Hearing, a written statement to the Court, with copies to counsel for the parties. The statement shall contain the individual's name, address and telephone number, along with a statement of her objection(s) to the Agreement and the reason(s) for the objection(s).

C. Parties to Use Best Efforts to Obtain Prompt Judicial Approval

The parties and their counsel shall jointly use their best efforts to obtain prompt judicial approval of this Agreement. The parties have bargained in good faith for the terms of this Agreement. No section or subsection of this Settlement may be modified or stricken without consent of the parties, and in no event after Final Court Approval. If the Court does not approve of this Settlement as written, the Agreement shall be voidable in its entirety at the option of either party.

VI. OTHER MATTERS

A. The plaintiffs relinquish all rights to reopen this action or to seek further or relief than is provided in this Agreement.

B. The parties to this action have entered into this Agreement to resolve all issues in controversy in this action. In recognition of this fact, neither the terms of this Agreement nor their substance may be offered, taken, construed, or introduced as evidence of liability or as an admission or statement of wrongdoing by the defendant, or used for any other reason either in this action or in any subsequent proceeding of any nature.

C. This Agreement shall not constitute an admission of liability or fault on the part of the Office of the Architect, its agents, servants, or employees, and is entered into by all parties for the sole purpose of compromising disputed claims and avoiding the expenses and risks of further litigation.

D. This Agreement comprises the full and exclusive agreement of the parties with respect to the matters discussed herein. No representations or inducements to compromise this action or the administrative proceedings that gave rise to it have been made, other than those recited in this Agreement. No statements other than those recited in this Agreement are binding upon the parties with respect to the disposition of this action or the administrative proceedings that gave rise to it.

E. The terms of this Agreement shall constitute full and complete satisfaction of all

claims of class members against the defendant that arise out of events occurring up to Final Court Approval of this Agreement which fall within the scope of the allegations in the fourth amended complaint in this action, and of all rights of the class members to relief within the scope of this action. Upon Final Court Approval of this Agreement, the class as a whole and each class member individually shall be bound by the doctrines of *res judicata* and collateral estoppel with respect to all such claims.

F. This Agreement shall be enforceable in the U.S. District Court for the District of Columbia.

G. This action will be dismissed with prejudice upon Final Court Approval.

Counsel for Plaintiffs: Barbara Kraft and Sarah J. Starrett.

Counsel for Defendant: Kenneth L. Wainstein, U.S. Attorney; Mark E. Nagle, Assistant U.S. Attorney; Stacy M. Ludwig, Assistant U.S. Attorney.

This Agreement has been approved by the Office of Compliance pursuant to 2 U.S.C. §1414.

WILLIAM W. THOMPSON, II,
Executive Director, Office of Compliance.

Approved and So Ordered on this 20th day of July, 2001,

HONORABLE EMMET G. SULLIVAN,
United States District Judge.

IT IS FURTHER ORDERED THAT A FAIRNESS HEARING IS SCHEDULED FOR September 28, 2001, at 11 a.m. in Courtroom #1.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Mr. Speaker, I rise in support of this act. I join with so many of my colleagues who find it extraordinarily important that we right the wrong of the Supreme Court decision and allow access to the courts for those who have been discriminated against in terms of pay equity.

And Lilly Ledbetter and the act that is before us today, I want to thank Chairman GEORGE MILLER for his leadership and his hard work on this and his committee for their relentless pursuit of correcting this. It's one of the very first acts of this new Congress, and I just want to rise in support of it and hope that it gains an extraordinary vote in the House today because it will send a message to not only my mother, my wife, my daughters, but to women throughout our country and to others that the United States Congress stands squarely on the right side of history on this critically important question.

Mr. MCKEON. I continue to reserve my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Maryland, the majority leader.

□ 1530

Mr. HOYER. I thank the chairman, I thank the ranking member, I thank the United States Senate for passing this bill.

I am proud that this is the very first bill that we passed in this House in the 111th Congress. Lilly Ledbetter is a woman of courage, leadership, and my daughters owe her a debt of gratitude.

In passing that bill, we recognized that sexism and discrimination can still cheat women out of equal pay and equal worth, a theft of livelihood and dignity that is especially damaging as families across our country struggle to pay their bills, as if somehow a single mom raising children could do it more cheaply than a single dad raising those same children.

That didn't make any sense then or now. Within my lifetime, sexism in the workplace could be blatant and unashamed, but today it does some of its worst work in secret.

We can take a stand against it by voting for final passage today. It was secret sexism that cheated Lilly Ledbetter out of the thousands of dollars for years. And we repeat her story, not because it is unique and shocking, but because it's typical, typical of the experience of so many American women, indeed, women all over the world.

Ms. Ledbetter was a supervisor at a tire plant. For years she was paid less than her male coworkers, but she was paid a differential in secret. Her employer didn't tell her I am going to pay you less than I pay your male counterparts who do exactly the same work. For years, she was left in the dark, and by the time she finally saw the proof, the Supreme Court said it was too late. Ironic.

I will tell you on assault there may be in some States no statute of limitations and others there may be a statute of limitations. Essentially, what happens here, if they keep hitting you, and they keep hitting you month after month after month, it's not the last hit that counted, it's the first hit that counted. And you couldn't sue for that, what we would call, we lawyers, tortious conduct, others would call criminal conduct.

But there was no responsibility that Lilly Ledbetter could get from the employer for wrongdoing, for breaking the law. There was no dispute that the law was broken. It was simply that it was broken in secret. And so Lilly Ledbetter had to suffer in public.

The Supreme Court ruled that even though Ms. Ledbetter had suffered clear discrimination, the law had been broken. She had missed the time in which to raise the issue. How perverse, in a nation of laws, of justice, of equity, that we would say they broke the law in secret, and you didn't know it, and you couldn't find it out and, therefore, we will not redress your recognized grievance.

Ladies and gentlemen of the House, this is the right thing to do. It's the right thing to do, not just for Lilly Ledbetter, not just for women, it's the right thing to do because our country believes in fairness, in equity, that we are a nation of laws and treat people equally under those laws. That is why it's so appropriate for us to pass this bill today and send it to the President, who will sign it proudly. All of us who vote for it and see its enactment will be proud as well.

I thank the gentleman for his leadership.

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

Our Nation is facing serious challenges. The economic picture remains bleak, with seemingly more jobs lost every day. American families are struggling to pay bills and send their families to college. I don't object to the fact that we are considering this bill again, despite widespread concern about its consequences. What bothers me about it is that we are not truly debating it. Had this bill truly been ''a narrow fix,'' as the 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 affecting no less than four separate statutes. The last change to civil rights law of this magnitude, the 1991 civil rights law, 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 limitations 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.

You know, I think about a person that maybe did one of these acts 30 years ago, has since sold the company, the company has since sold again, the original employer that made the discrimination case in the first place has since passed away and now a trial lawyer can bring all of these people to court. The person who passed away maybe would still have that liability. It boggles my mind to think of the unintended consequences that will come from this bill.

Mr. Speaker, this is a bad bill, and it's the result of an equally bad process. It breaks the vows of bipartisanship that the majority has made time and time again. In the last election and in the previous election they talked about bipartisanship. They talked about regular order, they talked about transparency, about working together. You know, we could work out our honest differences but do it in the light of the day before the American people and, once again, we are denied that opportunity. I think the American people deserve better.

I urge my colleagues to join me in opposing this bill, and I yield back the balance of my time.

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

Mr. Speaker, Members of the House, the Lilly Ledbetter Fair Pay Act goes to basic and fundamental American values, both in our daily lives and in our workplace, and that is that people ought to be rewarded with equal pay for equal work. It's fundamental, it's

basic to our economy, it's basic to our society. It's basic to our sense of fairness, to our sense of justice, and to our sense of equality.

But in far too many workplaces that's not what is done. Women, in many instances, time and time again, for doing the same job that men are doing in the same manner that men are doing it, are paid less, not because they are not doing the job equally as well as the men, but because somebody decided that they were going to pay them less simply because they were women.

That runs counter to the values of this Nation. It runs counter to the values of our society. It runs counter to the best interests of women. It's rather fascinating that they are suggesting that because of tough economic times some businesses may only be able to survive if they can engage in discrimination. If they can carry out a business plan based upon discrimination, they may be able to survive, so women should underwrite that discriminatory policy and accept less.

Well, let me tell you what it's like when you are trying to support a family, either as a dual wage earner or by yourself, and you are accepting less every week, every day, every hour for the work that you are doing the same as the people alongside of you, but you are getting less because you are a woman. Try that in these tough economic times. Try running your household in these tough economic times where the Republicans would have you believe we should enforce the policy of discrimination, that somehow women should underwrite these difficult times by accepting, being a victim of discrimination.

I don't think so. I don't think the people in this Congress believe that. I don't believe the people in this country believe that, and that's why we're going to pass this legislation.

It's fundamental to the values of this country. Now, they are trying to run up the scare tactics that this gets rid of the statute of limitation, same statute of limitations, 180 days, that somehow if you had waited a long time you would collect more recovery than otherwise. No, you get 2 years of backpay, that's the maximum, and that's it. But they want to suggest otherwise, no, that's what the law says.

And because of that, because we reset the law to what it was, as it was interpreted by courts all over this country and by employers and employees, the CBO in its independent analysis said this does not increase costs because it does not create a new cause of action and they don't expect a lot of litigation as a result of this because we go back to the law as it was.

So let's move along here and get rid of this outrageous discriminatory practice that was sanctified by the Supreme Court in some kind of ideological rampage against women and the treatment and the fairness of them in the workplace.

We have an opportunity to do that now. We will pass this bill today, we will send it to the White House where our new President, Barack Obama, has said he will sign this legislation. And with that signature on this bill, we can change the law in this country to once again make sure that women are provided equal pay for equal work that they do in the American workplace, and I urge my colleagues to support this legislation.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to voice my strong support for this very important bill. I thank Speaker PELOSI for championing this effort to improve the lives of American women and their families.

The Lilly Ledbetter Fair Pay Act is a bill of enormous importance for women's rights and civil rights in general. For decades, companies big and small have paid women less for the same work as their male counterparts. Today, we correct a major fault in both law and market, and we move toward true equality for all men and women in America.

This bill is important in so many ways. Perhaps most obviously, the bill confirms America's commitment to women's rights. Kofi Annan, the former Secretary-General of the United Nations, was right on the mark when he said, ''when women thrive, all of society benefits, and succeeding generations are given a better start in life.'' Today we help underpaid women thrive, we help restore a sense of dignity and pride, we help women—mothers and mentors, daughters and sisters—improve the lives of others as we lawfully improve theirs.

With the passage of this bill, we tell working American women that their work is valued, that it is just as good as a man's, and that they deserve fair and equal pay. The extra 20 or 30 cents per dollar that so many women do not receive means less food on the table or less money to save for her family's future. Over a lifetime, unequal pay cheats dedicated, hard working women of $400,000 to $2 million. Imagine what these women could have done with this money. And to reflect back on the words of Mr. Annan, passing the Lilly Ledbetter Fair Pay Act into law will benefit both current and future generations.

This bill is valuable not only because of its significant place in the women's rights movement, but also because it demonstrates the Congress' and President Obama's commitment to positive change, change that betters the lives of all Americans regardless of gender or race. Our passage of this bill confirms that equality is a priority for this new Congress. The first bill signed into law during the 111th Congress will be the Lilly Ledbetter Fair Pay Act, ensuring all Americans that—even in these difficult times—their Government is committed to the ultimate American promise of equality for all.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would also like to thank Congressman GEORGE MILLER for his leadership in bringing this legislation forth and for working together to see that gender equity is not just something we talk about, but something that is achieved.

Sadly, women in the United States still earn only 78 cents on the dollar compared to men more than 45 years after the passage of the Equal Pay Act in 1963.

Lilly Ledbetter helped shine new light on this issue when the Supreme Court denied her the $223,776 in additional wages she would have earned had she been a man in its 2007 decision, Ledbetter v. Goodyear Tire & Rubber Co. The Supreme Court was restricted by laws that saw women as less than equal. The Lilly Ledbetter Fair Pay Act would correct this decision and ensure that future victims of pay discrimination can bring a lawsuit after any act of discriminatory pay.

Women have made enormous advances toward economic equality, but gaps in income between men and women persist and only multiply over time, as the following numbers from Jessica Arons' Center for American Progress Action Fund report, ''Lifetime Losses: The Career Wage Gap'' show. Passing this bill along with H.R. 12, the Paycheck Fairness Act, would be an important first step in addressing this problem.

Although we encourage our daughters to stay in school and obtain their degrees, women with higher education are losing more income due to the career wage gap. In fact, $434,000 is the median amount that a full-time female worker loses in wages over a 40-year period as a direct result of the gender pay gap, also known as the ''career wage gap.''

The wage gap widens as women get older and carries into retirement because women workers earn less than men at every stage of life, and this continues into retirement. Just some of the statistics that demonstrate that inequity exists are:

78 cents: The amount that the average, full-time working woman makes for every $1 a man makes over a year.

$713,000: The career wage gap for women with a bachelor's degree or higher.

$452,000: The career wage gap for women with some college education.

$392,000: The career wage gap for women with a high school education.

$270,000: The career wage gap for women with less than a high school education.

17 percent: The additional amount that single mothers would take home in income if they were paid fairly. This would lead to a 50 percent reduction in poverty for these women, from 25.3 percent to 12.6 percent.

13.4 percent: The additional amount that single women would receive in income if they were paid fairly. This would lead to an 84 percent reduction in poverty for these women, from 6.3 percent to 1 percent.

6 percent: The additional amount that married women would earn if they were paid fairly. This would lead to a 62 percent reduction in poverty for these women, from 2.1 percent to 0.8 percent.

$8,000: The gap between the average retirement income that men and women receive annually. Two-thirds of this disparity can be attributed to the pay gap and occupational segregation.

Higher wages for women would bring greater prosperity to families. A report from the AFL–CIO and the Institute for Women's Policy Research found that if women were paid fairly, family incomes would rise and poverty levels would fall.

This legislation is intended to combat the wage gap that still exists today between men and women in the workplace. It is an important step in addressing the persistent wage gap between women and men.

Early last year the House passed H.R. 2831, legislation reversing last year's Supreme Court decision in Ledbetter v. Goodyear Tire and Rubber Co., in which the court ruled, 5–4, that workers filing suit for pay discrimination

must do so within 180 days of the actual decision to discriminate against them.

Which is why we need to pass not only the Lilly Ledbetter Fair Pay Act but the Paycheck Protection Act as well to stop discriminatory pay practices by employers against our mothers, wives, daughters, and granddaughters that do the same job as their male counterparts.

As a Member of the Women's Caucus I have been fighting to close the wage gap for American women since before I arrived here as a Representative in 1995, and I believe that equal pay for equal work is a simple matter of justice. Wage disparities are not simply a result of women's education levels or life choices.

In fact, the pay gap between college educated men and women appears the first job after college—even when women are working full-time in the same fields with the same major as men—and continues to widen during the first 10 years in the workforce. Further, this persistent wage gap not only impacts the economic security of women and their families today, it also directly affects women's retirement security tomorrow.

I urge my colleagues, both men and women to support equality in rights and pay for all Americans by supporting H.R. 181, The Lilly Ledbetter Fair Pay Act.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today as an original cosponsor of the Ledbetter Fair Pay Act, to express my strong support for the bill. I am pleased we are taking up this bill as passed by the senate so we can finally send it to the President's desk after previously passing it twice in this chamber.

The Ledbetter Fair Pay Act corrects and clarifies a serious misinterpretation by the Supreme Court in its 2007 ruling in the case of Ledbetter v. Goodyear. In that 5–4 decision, the majority ruled that Lilly Ledbetter, the lone female supervisor at a tire plant in Gadsden, AL, did not file her lawsuit against Goodyear Tire and Rubber Co. in the timely manner specified by Title VII of the Civil Rights Act of 1964.

The court determined a victim of pay discrimination must file a charge within 180 days of the employer's decision to pay someone less for an unlawfully discriminatory reason such as race, age, sex, or religion.

The Ledbetter Fair Pay Act clarifies that each paycheck resulting from a discriminatory pay decision constitutes a new violation of the employment nondiscrimination law, as long as the charge is filed within 180 days of the employee receiving the paycheck.

The Ledbetter Fair Pay Act restores workers' ability to pursue claims of pay discrimination on not only sex, but race, religion, age, or for any other reason. Congress must pass this legislation to help ensure all workers are treated fairly in the workplace and the standard of equal pay for equal work is upheld. I urge my colleagues to join me in supporting this bill to end pay discrimination.

Mr. NADLER of New York. Mr. Speaker, I rise in support of the Lilly Ledbetter Fair Pay Act of 2009.

The Ledbetter Fair Pay Act of 2009 is necessary to overturn the Supreme Court's 2007 decision in Ledbetter v. Goodyear. In that decision, this Supreme Court once again went out of its way to read our anti-discrimination laws as narrowly as possible, and refused to interpret the law as intended by Congress. In doing so, the Court said something astonishing: the only discriminatory act was the initial decision to pay Lilly Ledbetter less than her male coworkers. Once the employer had successfully concealed that fact from her for 180 days, she was out of luck, and Goodyear could go on paying her less—just because she is a woman—forever. The 180-day deadline to sue had passed. The decision to discriminate was illegal, but paying her less than her male colleagues from that moment forward was not.

This is astonishing because it rewards employers who successfully conceal pay discrimination and makes it virtually impossible for employees to challenge such discrimination. It is also astonishing because—17 years ago when it passed the Civil Rights Act of 1991—Congress rejected the reasoning that the Supreme Court relied upon in its Ledbetter decision. Through the Civil Rights Act of 1991, Congress rejected the Supreme Court's conclusion that a statute of limitations begins to run when an employer adopts a discriminatory seniority system and does not restart when the discriminatory effects of that system are felt. Congress made clear that it was rejecting this reasoning in the context of discriminatory seniority systems, which was the question presented by the Lorance case, and in all other contexts as well.

Until its Ledbetter decision, the Supreme Court seemed to have gotten Congress's message. In Ledbetter, however, the Supreme Court relied upon the faulty reasoning in Lorance and ruled, once again, that a statute of limitations runs only from the time that a discriminatory decision is made. Now we're called upon to do it over again. Hopefully, the Supreme Court will hear us once and for all and interpret statute of limitation periods as we intend. Thus, while Ledbetter addresses discrimination in employment, our passage of this bill expresses broad disapproval of the Court's reasoning in any context where it might be applied. Within the specific context of pay discrimination, our use of the phrase ''discriminatory compensation decision or other practice'' should be read broadly, and to include any practice—including, for example, seniority or pension practices—that impact overall compensation.

I urge adoption of The Ledbetter Fair Pay Act of 2009.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in strong support of S. 181, the Lilly Ledbetter Fair Pay Act of 2009. As an original cosponsor of H.R. 11, the House passed version of this bill, I would like to express my appreciation for the efforts of Chairman GEORGE MILLER for his instrumental efforts in ensuring passage of this vital legislation. The Lilly Ledbetter Fair Pay Act will strengthen protections against discrimination and safeguard the civil liberties of our Nation's employees.

Through the passage of this legislation, we correct the injustice that occurred following the unlawful discrimination against Ms. Lilly Ledbetter. After nearly 2 decades of service to the Goodyear Tire and Rubber facility in Alabama, Ms. Ledbetter discovered that she was the lowest-paid supervisor at the plant, despite having more experience than several of her male colleagues.

When Ms. Ledbetter sued her employer, a jury found that she had been the victim of unlawful discrimination. The Supreme Court agreed, but nonetheless upheld Goodyear's appeal on the ground that Ms. Ledbetter was barred from challenging the discriminatory payments. The Supreme Court's reason was that the time limit for bringing her claim had passed as the initial discriminatory decision had occurred 20 years earlier. In dismissing Ms. Ledbetter's claim, the Supreme Court overruled a previous law under which every discriminatory paycheck was a new violation that restarted the clock for filing a claim.

The Supreme Court's decision put workers who were subject to discrimination at an extreme disadvantage. As Ms. Ledbetter's case shows, it is very difficult for employees to discover pay discrimination, and workers may not discover pay discrimination for many years after they are discriminated against. Under the Supreme Court's decision, many victims of this deplorable practice would be left without recourse.

Furthermore, the Supreme Court's decision encourages employers to keep a discriminatory pay decision secret for 180 days, allowing them to pay the discriminatory the rest of a worker's career.

Mr. Speaker, for all of these reasons the Supreme Court's decision rendered much of our civil rights law virtually unenforceable. This was a decision that affected not only gender discrimination, but also discrimination on the grounds of race, ethnicity and sexuality. I am therefore proud to support this legislation and encourage my colleagues to do so as well.

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

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

Pursuant to House Resolution 87, the Senate bill is considered read and the previous question is ordered.

The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

MOTION TO COMMIT

Mr. MCKEON. Mr. Speaker, I offer a motion to commit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MCKEON. I am.

The SPEAKER pro tempore. The Clerk will report the motion to commit.

The Clerk read as follows:

Mr. McKeon moves to commit the bill S. 181, Lilly Ledbetter Fair Pay Act, to the Committee on Education and Labor.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California is recognized for 5 minutes in support of his motion.

Mr. MCKEON. Mr. Speaker, I move to commit this bill to the committee so that this bill, which is so sweeping in its scope, be given an opportunity to be debated in a comprehensive fashion. To this day, this committee has never had a hearing on this bill.

There has not been a full and fair debate, regular order has not been followed, and it needs to be. As I noted in my remarks, we have not entertained, in the three times that this bill has been brought to the floor, a single Republican amendment.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. I rise to speak against the motion to commit.

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

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House, this motion to commit is clearly an effort to not only send this bill back to committee, but to kill this legislation. My colleagues on the other side of the aisle recognize the situation that we find ourselves in. The House has passed this legislation earlier, in this session, and the Senate has passed similar legislation which we are now taking up. And when we vote in a little while, this afternoon, we will pass this legislation, and it will go to the President of the United States.

So this is a desperate attempt to somehow keep that from happening. And what we will be sweeping is we will be sweeping away a policy of discrimination in the workplace against women who are paid less than their male counterparts for the same work.

The fact of the matter is that there were hearings held both in the Judiciary Committee, in the last session of Congress, and in the Education and Labor Committee, and all sides were allowed to present their views in those hearings.

□ 1545

In the last Congress, it was subject to a full committee markup, which all Members could have offered as many amendments as they like. They offered two amendments. Those amendments were rejected. They could have offered more. They chose not to.

The bill went to the House floor, debated, and was passed on a bipartisan vote of 225–199 in June of 2007. The minority had an opportunity to offer a motion to recommit. They chose not to. The bill went to the Senate, where it was filibustered. Filibustered. And then the bill was reintroduced identical to what the House had already passed earlier this month.

On January 9 of this year, we passed the bill on the House floor again, 247–171, on another bipartisan vote. The minority had another opportunity to offer a motion to recommit. They chose not to.

The bill went to the Senate, where it was subjected to amendment after amendment. The bill was passed on a bipartisan vote of 61–36. And now we are on the cusp of sending this bill to President Obama for his signature. That is what we should do.

We should reject this motion to commit, an attempt to kill this legislation, and make sure that this bill goes to the President's desk and ends this discriminatory policy against women in the workplace. I urge my colleagues to vote ''no'' on the motion to commit and vote ''aye'' on the passage of the legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to commit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to commit.

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

Mr. McKEON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 176, nays 250, not voting 6, as follows:

[Roll No. 36]

YEAS—176

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NAYS—250

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis (CA)
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—6

Brown-Waite, Ginny
Etheridge
Lynch
Rush
Tiberi
Young (AK)

□ 1615

Messrs. CONNOLLY of Virginia, ADLER of New Jersey, LUJÁN, JACKSON of Illinois, HOYER, BOREN, KLEIN of Florida, GUTIERREZ, Ms. KOSMAS, Ms. BEAN, Ms. MOORE of Wisconsin, Messrs. HILL, TANNER, GORDON of Tennessee, Ms. McCOLLUM, Messrs. CARNEY, SESTAK, MINNICK, BERMAN, CARDOZA, CUELLAR, OLVER, Mrs. MALONEY

and Mr. SPRATT changed their vote from ''yea'' to ''nay.''

Mrs. LUMMIS and Messrs. BILBRAY, COLE, LATHAM and HERGER changed their vote from ''nay'' to yea.''

So the motion to commit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. CASSIDY. Mr. Speaker, on rollcall vote 36, I inadvertently voted "nay." I meant to vote "yea."

The SPEAKER pro tempore. The question is on the passage of the Senate bill.

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 250, nays 177, not voting 6, as follows:

[Roll No. 37]

YEAS—250

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis (CA)
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—177

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Turner
Upton
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—6

Brown-Waite, Ginny
Etheridge
Lynch
Pallone
Tiberi
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. DELAURO) (during the vote). There is 1 minute remaining in this vote.

□ 1625

So the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

The SPEAKER pro tempore (Mr. HOLDEN). Pending any declaration of the House into the Committee of the Whole pursuant to House Resolution 88 for the consideration of the bill, H.R. 1—which contains an emergency designation for purposes of pay-as-you-go principles—the Chair must put the question of consideration under clause 10(c)(3) of rule XXI.

The question is, ''Will the House now consider the bill?''

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

RECORDED VOTE

Mr. MICHAUD. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 224, noes 199, not voting 10, as follows:

[Roll No. 38]

AYES—224

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crowley
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perriello
Peters
Pingree (ME)
Polis (CO)