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Senate

The Senate met at 10 a.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, as our lawmakers seek to meet their responsibilities, give them the awareness to look not only to the immediate needs and the concerns of the moment but to be enlightened by the majesty of Your creation and Your eternal spirit. Strengthened by Your spirit, give them the wisdom to refuse to do anything which would bring them regret, remorse or shame. May they never do anything they would have to hide and about which they should be ashamed that others should know.

Lord, today we confess our human inadequacies and our need for You to infuse us with Your strength. May this be a day in which we all sense Your presence and receive Your power.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 5, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

PAYCHECK FAIRNESS ACT—MOTION TO PROCEED—Resumed

Mr. REID. Mr. President, I move to proceed to Calendar No. 410, S. 3220.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 410, S. 3220, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

SCHEDULE

Mr. REID. Mr. President, we are now on the motion to proceed to the Paycheck Fairness Act.

Following my remarks and those of the Republican leader, the time until 12:30 will be equally divided. The majority will control the first 30 minutes and the Republicans will control the second 30 minutes.

The Senate will recess from 12:30 until 2:15 p.m. to allow for the weekly caucus meetings.

I ask unanimous consent the cloture vote on the motion to invoke cloture on the motion to proceed to S. 3220 occur at 2:30 p.m. and that the time from 2:15 p.m. until 2:30 p.m. be equally divided between the two leaders, with the majority controlling the final half.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, as I indicated, we are on the Paycheck Fairness Act, and we will have that cloture vote at 2:30 p.m. today.

Mr. REID. Mr. President, most Americans believe if they get an education, they work hard and play by the rules, they will have a fair shot at success. But for millions of American women, no amount of talent or dedication will bring pay equality with their male coworkers. In the minds of many employers, they simply are not equal.

American women take home 77 cents for every $1 their male colleagues earn for doing the exact same work. That stunning fact holds true whether the woman has a college degree, regardless of how many hours she spends in the office each week or on some manufacturing floor and regardless of what job she holds—77 cents applies.

But listen to this. If she is an African-American or Hispanic woman, the disparity is even starker. African-American women make 62 cents on the dollar and Hispanic women 54 cents on the dollar compared to White men working the same hours and doing the same jobs. They are not working at different jobs; these are the exact same jobs. If someone is Hispanic and they are a woman, they get about half as much as a man doing the same job. If they are African American, they get about 62 cents compared to every $1 a man makes.

While landmark pieces of legislation such as the Equal Pay Act and the Lilly Ledbetter Fair Pay Act have narrowed the pay gap, they have not closed the gap, and that is obvious by the numbers I just announced to the Senate. So Congress must do more. This act that is before the Senate would give workers stronger tools to combat wage discrimination.

One of the tools of retaliation employers have is they fire workers if they discuss how much they make with another worker. Our legislation would bar retaliation against workers for discussing salary information. Why do we

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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have this in the bill? We have this landmark legislation that we had to pass because the Supreme Court ruled against Lilly Ledbetter.

Lilly Ledbetter is a woman who worked in Alabama for many years, and she didn't know she was being paid far less than her male counterparts who did the same work. So when she learned of this, she filed a lawsuit in the Supreme Court, and the Supreme Court said: Sorry, Lilly. You didn't file it in time; the statute of limitations has run, meaning she had to file within a certain period of time.

We have many different places in the law where we do not start tolling the statute until someone learns something is wrong. For example, we had to go back on medical malpractice cases where people were treated negligently by physicians, but the poor patient didn't realize this until long after. For example, in the State of Nevada, there is a 2-year statute of limitations. So we changed that in most places in the country, and we need to make sure people understand, in this instance—now that we passed the Lilly Ledbetter legislation—the time doesn't start running until one has learned they are being cheated.

Our legislation would bar retaliation against workers for discussing salary information, and it would help secure adequate compensation for victims of gender-based pay discrimination. Let's look at the State of Nevada. Over their lifetimes, Nevada women will earn about $475 million less than their male counterparts—almost $500 million.

This is not just an issue for women; it is a family issue. Why? Because every year millions of American families are cheated out of money they could spend on groceries, rent, and gas. Every year wage discrimination puts almost 400,000 Nevada children at risk.

For many families in Nevada and across the country a woman is the only income generator in that family. For many more women that person is the primary breadwinner. Yet Republicans have vowed to block this legislation. It is in all the news today. Every headline in the news talks about this bill coming up today and the Republicans are saying they are going to vote against it because it creates too much bookwork.

They vowed to block legislation that would even the playing field and help women provide for their families even though Americans overwhelmingly support this legislation. Nine out of ten Americans—including 81 percent of men and 77 percent of the Republicans—support pay equity legislation.

Once again, the only Republicans who are against our commonsense measure are the ones who are in Congress in Washington. Even Mitt Romney has refused to publicly oppose this legislation. He may oppose it, but he is afraid to say anything about it. Why? Because it is obvious why. He should show some leadership. In my opinion, Governor Romney should tell his fellow Republicans that opposing fair pay for all Americans is shameful. Instead, no one knows where he stands, but we know where Democrats stand. Everyone knows. We stand firmly on the side of equality for every working woman.

Democrats stand with middle-class women who are working to keep their families afloat during these difficult times. We stand with young women pursuing a college education who are hoping to get a good-paying job when they graduate. We stand with little girls whose mothers taught them there is no limit to their dreams.

This evening Americans will see where Republicans stand on this issue. It is unfortunate they, once again, favor obstruction over equality.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

STUDENT LOANS

Mr. MCCONNELL. Mr. President, I would like to continue to discuss the student loan issue this morning because the administration's approach to this problem is nothing short of surreal.

I have in my hand a letter that has been signed by the top four Republicans in Congress: Speaker BOEHNER, Leader CANTOR, minority whip JON KYL, and myself. It lists no fewer than four good-faith bipartisan proposals to resolve the issue, all of which are based on offsets the President has proposed himself in the past.

Let me say that again: We have recommended to the President four offsets that he, himself, has proposed in the past to achieve what we all want to achieve, which is a 1-year extension of the current student loan interest rates. We sent this letter to the President 5 days ago. Yet we have now learned that in spite of the fact they have a proposal recommending that on a bipartisan basis we accept offsets that they have previously recommended, we have now learned the Vice President will have a group of college presidents over to the White House today to ''reassert the call for Congress to stop the student loan interest rate from doubling.''

Congress has acted. We have given the administration four offsets they previously proposed. We are waiting for a response so we can solve this problem. Why doesn't the Vice President simply pick up the phone, choose one of the proposals we laid out in our letter, and then announce at the meeting the problem has been resolved? That way he will give these folks some good news to bring back to their campuses instead of just asking them to be props in this elaborate farce the White House political team cooked up on this issue. It is an elaborate farce. This can be solved very easily with offsets the administration itself has recommended.

The only people dragging their feet on this issue are over at the White House. Republicans in Congress have been crystal clear for weeks. We are ready to resolve the issue to give students the certainty they need about their loan payments. The President may find it politically useful to keep these young people off-balance, but we don't think they should have to wait another day. It is inexcusable for the President to allow this impasse to persist. That is why we bent over backward to find a solution, and it is simply disingenuous for the President to claim otherwise, which brings me to larger point.

We all realize the President is concerned about his reelection. I understand he is placing a higher priority on fundraising and trying to make Republicans look bad as he ramps up to November. I get his rationale for running a negative campaign. If I were he, I wouldn't want to brag about my record either. I get it. But I would remind him he is still the President, even though the campaign is going on, and that Americans are looking for leadership and the economic problems we face will only get worse if he avoids them for 6 more months.

So whether it is the student loan issue or the prospect of a massive tax hike at the end of the year, Republicans are ready to work with the President to provide the kind of certainty the American people need right now. But it is a two-way street. We will never solve these problems if the President continues to mislead the American people about what Republicans in Congress are willing and eager to do to help.

Mr. President, I ask unanimous consent to have the letter I previously referred to printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, May 31, 2012.

The PRESIDENT,
The White House, Pennsylvania Avenue, Washington, DC.

DEAR MR. PRESIDENT: Earlier this year you asked Congress to extend for another year the reduced interest rate for subsidized Stafford student loans. Last month the House of Representatives passed a bill to do just that and to pay for the cost with a repeal of the Prevention and Public Health Fund created as part of the Patient Protection and Affordable Care Act. Despite the fact that you have previously signed into law legislation reducing this fund by $5 billion to offset the cost of preventing a reduction in Medicare physician payments, your Administration indicated that you would veto a bill that would use additional savings from the fund to offset the cost of extending lower student loan interest rates.

More recently. Senate Majority Leader Reid and his conference have put forward a proposal to pay for extending the reduced interest rate by raising taxes on small businesses. As you know, this proposal cannot pass the Senate and is unacceptable to the House of Representatives.

We believe our alternative is reasonable and responsible. but in the interest of finding common ground on a way to pay for a one year extension of the current student loan interest rate we are open to other solutions that we have all supported in the past.

The non-partisan Congressional Budget Office has estimated that a one-year extension will increase the deficit by $5.985 billion over

the 2012 to 2017 budget window. We have reviewed your Fiscal Year 2013 budget request. and based on areas of common agreement we believe it is possible to fully offset this cost by 2018 with additional savings in the ten year window and beyond dedicated to much-needed deficit reduction.

We have attached two options for fully offsetting the cost of extending the student interest rate reduction. The policies in both options are either policies that you recommended in their entirety or a subset of a policy you recommended. We are prepared to support either option.

There is no reason we cannot quickly and in a bipartisan manner enact fiscally responsible legislation.

Sincerely,

JOHN BOEHNER,
ERIC CANTOR,
MITCH MCCONNELL,
JON KYL.

ATTACHMENT

OPTION 1

Student Loan Interest Rate: Extend for one year (July 1, 2012 to June 30, 2013) the 3.40 percent interest rate for new subsidized Stafford student loans. (CBO estimates this proposal will increase the deficit by $5.985 billion over the 2012 to 2017 period and $5.985 billion over the 2012 to 2022 period.)

Increase Federal Employee Retirement Contributions: As part of the Fiscal Year 2013 Budget, the Administration proposes to increase current employee contributions to the Civil Service Retirement System (CSRS) and the Federal Employee Retirement System (FERS) by 0.4% in each of the next three calendar years—2013, 2014, and 2015—for a cumulative increase of 1.2% of pay over current contributions. The House of Representatives has passed a substantially larger increase in contributions (5% over current law levels phased-in over five years for regular CSRS and FERS employees) as part of the Sequester Replacement Reconciliation Act. (CBO estimates that the Administration's proposal would reduce the deficit by $8 billion over the 2012 to 2017 period and $18 billion over the 2012 to 2022 period. Note: This estimate reflects that contribution levels have already been increased for new hires as part of the Middle Class Tax Relief and Job Creation Act, Public Law 112–96.)

OPTION 2

Student Loan Interest Rate: Extend for one year (July 1, 2012 to June 30, 2013) the 3.40 percent interest rate for new subsidized Stafford student loans. (CBO estimates this proposal will increase the deficit by $5.985 billion over the 2012 to 2017 period and $5.985 billion over the 2012 to 2022 period.)

Limit Length of In-School Interest Subsidy: As part of the Fiscal Year 2013 Budget, the Administration proposes to limit the duration of borrowers' in-school interest subsidy for subsidized Stafford loans to 150 percent of the normal time required to complete their educational programs. According to the Department of Education, ''The Budget request eliminates the in-school interest subsidy for borrowers who do not complete their program within 150 percent of their program length. Beyond that point, these borrowers no longer receive the interest subsidy for the Subsidized Stafford loans they have taken out, and interest will immediately begin to accrue on these loans. As with the 12 semester Pell limitation enacted this fall, students who attend school half-time would have their benefits adjusted accordingly.'' (CBO estimates that the Administration's proposal would reduce the deficit by $475 million over the 2012 to 2017 period and $1.055 billion over the 2012 to 2022 period.)

Revise Medicaid Provider Tax Threshold: Under current law, states may not tax health care providers and return the tax revenues to those same providers through higher Medicaid payment rates or through other offsets and guarantees (known as a ''hold harmless'' arrangement). An exception to this provision is that the federal government will not deem a hold harmless arrangement to exist if the provider taxes collected from given providers are less than 6 percent of the providers' revenues. As part of the Fiscal Year 2013 Budget, the Administration proposes to phase down the Medicaid provider tax threshold to 3.5% from Fiscal Year 2015 to Fiscal Year 2017. The House-passed Sequester Replacement Reconciliation Act would lower the allowable percentage threshold to 5.5 percent starting in 2013. (CBO estimates that the House-passed proposal would reduce the deficit by $4.65 billion over the 2012 to 2017 period and $11.3 billion over the 2012 to 2022 period.)

Improve Collection of Pension Information from States and Localities: Both the Administration's Budget Proposal for Fiscal Year 2013 and the House-passed Middle Class Tax Relief and Job Creation Act (December 2011) include a proposal to prevent Social Security overpayments by improving coordination with States and local governments. By requiring State and local government pension payers to identify whether a worker's pension is based on government employment, the Social Security Administration (SSA) can improve enforcement of two benefit offset provisions affecting certain government workers. (CBO estimates that the Administration's proposal would reduce the deficit by $358 million over the 2012 to 2017 period and $2 billion over the 2012 to 2022 period.)

WAR ON COAL

Mr. MCCONNELL. Mr. President, hearings on the Environmental Protection Agency's regulatory agenda will be held in Kentucky this week. One hearing will be held today in Frankfort and another later this week in Pikeville. Since Congress is in session this week, I will not be able to attend these important hearings in person, but I will have a representative on hand at each hearing, and I wish to express my thoughts on the matter on the Senate floor.

Similar to most of the country, Kentucky is suffering from very difficult economic times. Far too many Kentuckians are unemployed, and the prospect for future employment remains daunting. That is why it is especially irritating that this administration has blindly followed ideological policies that eliminate jobs in our communities. The people of Kentucky are amongst the hardest working people on the planet, but how can they be expected to compete if our own government is actually working against them?

Simply put, my constituents are under siege from the Obama administration's regulatory agenda, and the EPA is the worst offender—the very worst.

Perhaps the clearest example of this administration's regulatory assault is its war on coal. Since being sworn in, President Obama's EPA has set out to circumvent the will of Congress and the American people by turning the already cumbersome mine permitting process into a backdoor means of shutting down coal mines. Mr. President, 18,000 Kentuckians work in coal mining, and nearly 200,000 more, including farmers, realtors, and transportation workers, rely on the coal industry for their jobs. Coal brings in more than $3.5 billion from out of State and pays more than $1 billion in direct wages every year. Attacking an industry so important to Kentucky will only succeed in putting people out of work, impeding future job growth, and increasing energy prices.

A former senior EPA official under the Obama administration recently summed up the regulatory philosophy of the Agency with respect to those working in the coal business by saying it wants to ''crucify'' them. Let me say that again. This was a regulator, with respect to those working in the coal business, saying it wants to ''crucify'' them. With this radical environmental anticoal agenda, it is no wonder the administration has failed to answer the call of the American people for greater domestic energy production. The real-world impact of their fantasy world energy policy is that people are losing their jobs and energy prices will rise even further.

It is high time the Obama administration stop treating the Kentucky coal industry as the problem and start recognizing that it has been and will continue to be part of the solution.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

Under the previous order, the time until 12:30 p.m. will be equally divided and controlled by the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the second 30 minutes.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I come to the floor today to urge my colleagues to affirmatively and unabashedly vote for cloture on the Paycheck Fairness Act that we wish to bring before the Senate. This is part of a very long march the women of the United States of America have been walking for a very long time.

In 1963 President Lyndon Johnson wanted to create a great society, and he envisioned three civil rights acts to right the wrongs of the past. One was equal pay—the Equal Pay Act—which would ensure that women would get equal pay for equal work. The second was the benchmark Civil Rights Act, and the third was the Voting Rights Act.

Lyndon Johnson picked the Equal Pay Act as his first action because he felt it would be one of the easier ones to pass and to implement. Little did he know that the corporate wrath that was against women in the past would come to that legislation. However, a Democratically controlled Senate moved that bill and began the long march for civil rights. But guess what happened in the ensuing 49 years. On

June 10, 1963, President Johnson signed that bill. Forty-nine years later, women still make less than men. Women in the United States of America make only 77 cents for every dollar men make doing the same job. This is unfair, and it is un-American.

Remember from where we have come. Everybody likes to say to us: Oh, you have come a long way. Well, we don't think we have come a long way. We have only gained 18 cents in 49 years. In 1963 we made 59 cents for every dollar men made, and now it is 77 cents. So what does that mean? It means every 5 years we make an advancement of one penny.

Oh, no. No more. We are just not going to take it anymore.

When I talk to my constituents, they say to me that they are mad as hell and they don't want to take it anymore. They go to school, they get the job, they do the job, they want to be paid for the job, and we agree with them. We want to do it not only with words, but we want to do it with deeds, and we want to pass the Paycheck Fairness Act that would ensure equal pay.

Women fight every day for equal pay, and when they do, they are side-lined, red-lined, and pink-slipped. Right now in the marketplace, it is legal to fire a woman if she asks about pay, whether she goes to the personnel director or whether she asks the person next to her at the water cooler. Women are often harassed and intimidated for just asking: What do you make for the work you do? So we are ready to fight for women to get equal pay, and the best way to do it is to do it right here on the Senate floor.

People say to me: Senator BARB, you led the fight on Lilly Ledbetter. Didn't that solve all the problems?

It solved a big problem. We made a downpayment to keep the courthouse door open for women who are discriminated against, but it did not close the loopholes that were in the original Civil Rights Act. What Lilly Ledbetter did was change the statute of limitations to file a lawsuit from the date of each discriminatory paycheck. Now we need to pass paycheck fairness to close the loopholes that allow discrimination to happen in the very first place.

What does this bill do? It is actually very simple. If we listened to the right-wing pundits, we would think this is complicated and it is going to rend asunder the American economy and so on. This is fundamental fairness.

What does it do? First of all, no longer will employers be able to retaliate against workers for sharing information about wages. Remember what I said earlier: If you ask someone how much they get paid, you can get fired. For years, Lilly Ledbetter and those she represents were humiliated and harassed for just asking questions. No longer will women be able to seek only back pay when they are discriminated against; they will also be able to seek punitive damages. No longer will employers be able to use almost any reason to justify paying a woman less: Oh, the guys do harder jobs; oh, the guys do dangerous jobs; oh, they have a better education. We are talking about equal pay for equal work that requires the same education. No longer will women be on their own because we are going to include various education and training programs.

As I said, in 1963 we made 59 cents for every dollar men made. Women now make 77 cents compared to every dollar a man makes. That is not progress. The consequences of this are severe.

What does this mean? Well, let's take the college graduate, the woman who has had the benefit and privilege of an education. It starts the minute she tosses her hat in the air. When she goes for that job, say, in information technology or even in some of the innovative economic fields, she will be making less. At the rate we are going, by the time she retires there will be a $434,000 income pay gap. This is serious because it not only affects one's income as one goes through life, but it affects one's Social Security and it affects one's pension. It affects absolutely everything. The negative impact multiplies. It is like compound interest in reverse. It is compound disinterest. It is compounded unfairness. So these are real grievances. That is why the Paycheck Fairness Act will be able to do this.

When we look at the life of being a woman, we women know that being a woman often means we pay more. We certainly pay more for health insurance than men with the same coverage for the exact same age or health status. What does that mean? It means women pay estimates of thousands of dollars more in medical insurance over their lifetime. We are often on the hook for childcare, and there are a variety of things on which we could elaborate.

I believe people should be judged in the workplace for skills and competence and that once you get the job and you show you can do the job, you should be paid to do that job.

For my colleagues who argue that 20 cents per hour doesn't matter, let me share some numbers. That means $4,000 less per year for a working family, $434,000 over a lifetime. It means we get paid 23 percent less than a man doing the same work who has the same education.

The Presiding Officer is a smart guy. He knows that when women go to get a mortgage, we don't get a 23-percent discount. When we go to buy food, we don't get a 23-percent discount. When we go to pay our utility bills, they don't say: Oh, you are paid less, so we are going to give you a discount. No. We get charged the same, and often more, but we are paid less.

We are not going to accept being paid less. We are paying attention to this problem. We have listened to the voices of the people. This isn't just Senator BARB sounding off on her women's rights agenda. My women's rights agenda is about the economic empowerment of women, so they have a chance in this great country to be able to move ahead.

I listened to a constituent in Silver Spring with years of teaching experience, and even in public employment, she was paid less.

Then we listened to a trauma surgeon who e-mailed me from Florida—highly educated. She filed suit because she found out that a male surgeon doing the exact same surgery was paid $25,000 more than she was.

Another woman e-mailed me from Virginia. She claimed she was told by her supervisor that hiring a woman would simply be a liability. You are going to get pregnant. You are going to miss work. We don't know if we want you here. That is a whole other issue. Then she said: We don't need to pay you that. You don't head up a household, so why should you get the same money as some guy who does head up a household?

We have faced old prejudices, but we are in a new economy and in a new world. More and more women are in the workplace, we want to be treated with respect, and we want to have equal pay for equal work.

Mr. President, I note that my colleague Senator MURRAY is here. I yield her 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, I wish to start off by giving a true and heartfelt thank-you to Senator MIKULSKI. There is no denying she is such a strong and steadfast leader on this issue, and we all so appreciate it. So I am very proud to come to the Senate floor this morning with her and many others to strongly support the Paycheck Fairness Act and to urge Republicans to join with us to pass this critical bill.

Over the past few months, many of us have stood together to fight back against partisan attacks on policies that impact women across America. We have not started these fights, but we were not going to stand by and watch as others tried to roll back the clock. But every time we stood up to defend women, our friends on the other side of the aisle would jump right up and say we were creating distractions or manufactured issues. They said we should be focused on the economy, as if we were the ones changing the subject and making the partisan attacks. Well, we are not going to stop standing up for women and families.

To those of our colleagues who claim to be so concerned about the economy and the middle class, now is their chance to prove to their constituents that they really mean what they say because the Paycheck Fairness Act is not just about women and it is not just about fairness, it is about the economy. When women are not paid what they deserve, middle-class families and communities pay the price.

In 1963 the Equal Pay Act marked one of the first steps toward narrowing the gap between men and women. In 2009 this Senate took another step by passing the Lilly Ledbetter Fair Pay Act to reverse the Supreme Court's Ledbetter v. Goodyear case which made it almost impossible for our workers who suffered from discrimination to seek justice.

Although we have made progress since we passed the Equal Pay Act almost 50 years ago, pay discrimination has not gone away. Women in my home State of Washington still earn 77 cents on the dollar. That is a pay gap that averages $11,834 in lost earnings each year. That is an extra 90 weeks of groceries or 179 tanks of gasoline. To women in Washington and to most women across America, that is certainly not a manufactured issue. It is very real.

This comes at a time when more and more families rely on women's wages to put food on the table or stay in their home or build a nest egg, their retirement, or help pay for their children's education.

The importance of women in the workplace has never been as critical as today, and this has become even more evident in this tough economy. The fact is that women are now participating in the workforce at higher rates than ever before, according to the Bureau of Labor Statistics. So it would seem most appropriate for this Senate to move our country once again toward eliminating pay discrimination and unfairness in the workplace.

The Paycheck Fairness Act that we are going to have a vote on today tackles pay discrimination head-on, and it should not be a partisan issue or only a women's issue. It is good for women, it is good for families, and it levels the playing field for businesses in America that are doing the right thing and paying their workers fairly.

The Paycheck Fairness Act is good for business too. It recognizes employers for excellence in their pay practices, and it strengthens Federal outreach and assistance to all businesses to help them improve equal pay practices. It is time to address this issue and finally close the wage gap for our working women and their families.

I was very proud to stand with Senator MIKULSKI and other Members of Congress and the President as he signed the Lilly Ledbetter Fair Pay Act of 2009 to give women who are victims of pay discrimination the tools they need to seek justice. But our work is far from complete. We are still not yet at the point where our daughters can expect to earn the same amount over their lifetime as our sons. That has to change. Now we need to pass the Paycheck Fairness Act as quickly as possible to keep our Nation moving in the right direction.

Again, I thank Senator BARBARA MIKULSKI for her tremendous leadership and steadfastness on this issue and her hard work to make this a reality for every working woman in this country.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, there will be other Democratic Senators speaking during this time. I thank Senator MURRAY because she has been a real champion on this issue. She has been a champion on making sure women are treated with respect in the workplace and in the U.S. military. She has been a particular champion for ensuring that women in the military and women in the VA system get treated with fairness. We have a long way to go. This is 2012, and you would think at times it was 1812. But in 1812 we in Baltimore fought another revolution, and we will fight in 2012. So we thank her for her advocacy and look forward to having her vote this afternoon.

This is not only a women's issue where the women's rights groups are pounding the table. We have the support and endorsement of the American Bar Association. I have a letter which I ask unanimous consent to have printed in the RECORD in which the ABA absolutely endorses this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN BAR ASSOCIATION,
Chicago, IL, May 31, 2012.

Re Support S. 797, the Paycheck Fairness Act

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of the American Bar Association, I am writing to urge you to vote for floor consideration of S. 797, the Paycheck Fairness Act. This legislation has the widespread support of women across the country and deserves a full and informed floor debate on its merits. The ABA unequivocally supports S. 797 in its current form and urges its prompt passage.

Congress declared that equal pay for equal work was the law of the land when it passed the Equal Pay Act of 1963. But, in the 50 years since its passage, this historic legislation has become outdated and ineffective, and wage discrimination remains a persistent, widespread, and pernicious problem. Women today, regardless of their educational level, their occupation, or their state of residence, still receive unequal pay for equal work, even in jobs such as secretary or nurse that are predominantly held by women.

The Paycheck Fairness Act would update key provisions of the Equal Pay Act of 1963 without altering the basic scheme of this historic statute or imposing excessive, novel burdens on employers; indeed, the majority of its proposed changes are borrowed from other civil rights statutes that have proved more effective in eradicating workplace discrimination.

In anticipation of floor consideration, we offer the following comments to address what we believe are mischaracterizations and areas of confusion:

The provisions of this bill apply equally to men and women who experience sex-based wage discrimination. S. 797 is most often described as a bill that will help working women because women still are the primary victims of sex-based wage discrimination. However, the bill clearly covers both sexes.

Enactment of this bill will not make employers liable for any and every wage differential. As with the current Equal Pay Act, the Paycheck Fairness Act provides that an employer is not guilty of wage discrimination if a pay differential is based on seniority, merit, quantity or quality of production, or "any other factor other than sex." The legislation closes an existing loophole by clarifying that the "factor other than sex" defense is valid only when it is based on a bona fide factor (like education or training) that is job-related, consistent with business necessity, and where there is no other alternate practice that would serve the same business purpose without producing the wage differential. This standard, adapted from Title VII discrimination cases, is one with which courts already are familiar.

Enactment of this bill will not encourage excessive verdicts against employers that will bankrupt businesses and jeopardize the recovery of our economy. In fact, the ABA expects the opposite result. It is true that the bill would strengthen and update the remedies available under the EPA by allowing prevailing plaintiffs to recover compensatory and punitive damages but, as with Title VII cases, the Paycheck Fairness Act would permit an award of punitive damages only upon a showing of malice or reckless indifference by the employer. That is a very high standard to meet and, on top of that, numerous existing limitations in current law that guard against improperly high verdicts assure that compensatory and punitive damages will not unduly burden employers.

Enhanced remedies should make businesses more cognizant of their legal obligations and more careful about how they set wages. A renewed commitment by businesses to non-discrimination will help their bottom line by reducing future lawsuits and creating a positive work environment.

Furthermore, by helping improve the present and future economic welfare of working women who make up about one-half of the work force and who are the primary breadwinners in more than 12 million families, the Paycheck Fairness Act will foster financial security and a strong economy.

Enactment of this bill will not impose unduly burdensome and unnecessary reporting requirements on businesses. Data collection is critical because it provides necessary documentation of existing wage discrimination and enables us to analyze the degree of success that various programs have on eradicating it.

The bill contains provisions to safeguard against burdensome regulations by requiring the Equal Employment Opportunity Commission to "consider factors including the imposition of burdens on the employers, the frequency of required data collection reports . . . and the most effective format for data collection." It also directs the Secretary of Labor to engage in research, education, and outreach and to develop technical assistance material to assist small businesses in complying with the requirements of the Act.

It is clear that lip service alone to the American ideal of a workplace free from discrimination will not help eradicate gender-based wage discrimination. We urge you to transform rhetoric into action by supporting floor consideration and voting in favor of this much-needed remedial legislation.

Please contact Denise A. Cardman, Deputy Director of the Governmental Affairs Office, at denise.cardman@Aamericanbar.org if we can provide additional information or assistance.

Sincerely,

WM. T. (BILL) ROBINSON III,
President.

Ms. MIKULSKI. The ABA, which we know is a prestigious, distinguished representation of the American bar, says that when we passed the "equal

pay for equal work'' act, it was landmark. Quoting again from their letter:

> But, in the 50 years since its passage, this historic legislation has become outdated and ineffective, and wage discrimination remains a persistent, wide-spread, and pernicious problem.

In commenting on this bill, the ABA says:

> The Paycheck Fairness Act would update key provisions of the Equal Pay Act of 1963 without altering the basic scheme of this historic statute or imposing excessive, novel burdens on employers.

Remember, again, this is not Senator MIKULSKI, this is the ABA saying it will not impose excessive or novel burdens on employers. Indeed, most of the proposed changes are borrowed from other civil rights statutes that prove more effective in eradicating workplace discrimination. This goes to what the ABA says.

But now, Mr. President, I would like to yield 6 minutes to the distinguished gentlelady from New Hampshire—a Governor, a Senator, a real advocate who has had to not only be a leader in passing legislation but in implementing it. We welcome her insights and advocacy.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am so pleased to be able to join our colleague and leader on so many issues that affect women and families, Senator MIKULSKI. I am here today to join her and our other colleagues who will be coming to the floor to talk about something that is a real matter of fundamental importance for our country.

Workers should have equal access to every opportunity that will help them put food on the table, send their children to school, and save for retirement. Unfortunately, here we are in 2012 and still millions of American women lose nearly a quarter of their potential earnings to pay discrimination. Almost 50 years after the landmark Equal Pay Act banned wage discrimination based on gender, women in our country continue to be paid just over three-quarters of what their male counterparts receive for performing the exact same work. Every day this wage gap exists is a further injustice to current workers, such as my daughters, and to future members of the workforce, such as my granddaughters and so many other granddaughters of Members of this body.

Pay discrimination does not just hurt the employee, it endangers the families who depend on these women. One in three working moms is her family's only source of income. With the money that mother loses to pay discrimination every year, she could be paying housing and utility costs on her home or she could be feeding her family, with money to spare.

Back in the early 1980s, I chaired a task force for New Hampshire's Commission on the Status of Women looking at women and employment. What we found was discrimination in a whole range of areas, including, of course, pay discrimination. The conclusion of the report was that kind of discrimination against women does not just hurt women who are affected, it hurts their families, their children, their husbands, and it has a ripple effect throughout our economy.

As Governor, I signed a law to prohibit gender-based pay discrimination in New Hampshire and to require equal pay for equal work. In the year before that law was signed, women in New Hampshire made 69 percent of their male colleagues' wages. Today they make 78 percent. When President Kennedy signed the Equal Pay Act into law in 1963, women made less than 60 cents for each $1 earned by men. Today we make 77 cents. So we have made some progress, but clearly we still have a long way to go and a lot of work to do.

I recently heard from a woman named Marie in New Boston, NH, about her experience with pay discrimination. She wrote:

> I worked for many years in a male-dominated company where the fresh-out-of-college boys were paid substantially more than I was for the same position.

She continued to recount that she actually trained these same men to do their jobs, and yet she still was not paid at the same rate.

Since the Equal Pay Act was enacted in 1963, the gender gap impacting wages has only narrowed by an average of half a cent per year. So at this rate, it is going to take another 45 years for that gap to close entirely.

The Paycheck Fairness Act would make commonsense updates to the law by requiring pay differences to be based on legitimate business reasons. It would also protect women whose employers try to shirk their responsibilities by prohibiting employees from discussing their salaries. Finally, this important legislation would create a program to strengthen women and girls' negotiation skills so they can seek directly the pay they deserve.

It is long past time for us to pass the Paycheck Fairness Act. I urge all of our colleagues to support this legislation. It is bipartisan. It is good for women and their families, and it is good for the country.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I thank the Senator from New Hampshire.

Now I would like to yield the floor for 7 minutes to our colleague from California, Senator BOXER. She and I served in the House. We serve in the Senate. We have been fighting this for a long time. Mr. President, I think you will find her words welcome and insightful. Her passion and her devotion to women is legendary. I yield 7 minutes to Senator BOXER.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, I thank Senator MIKULSKI so much not only for yielding to me but for her extraordinary leadership in the Senate on so many issues of fairness and justice for women, for families, for children, and for our seniors. It is really a legendary record that she has amassed, and this is just one more example.

I also thank President Obama for his leadership in calling attention to this important legislation, the Paycheck Fairness Act.

If you were to stop someone on the street and in the simplest terms say: Do you think it is right to pay people differently for the same job? Do you think that is right—they have the same experience, the same education, the same qualifications—people would say: No, that is not right. Yet that is what has been happening to America's women, even though we have, since the 1960s, a very important law in place that is supposed to guarantee fair pay to everyone, including women. But women earn 77 cents for every $1 earned by a man. When you drill down to those numbers, you find out in a vast number of cases they are doing the same work as the man, making less.

Of course, Lilly Ledbetter made a very important point about this and became quite famous with a Supreme Court case where she had been doing the same things as her male counterparts—working in a tire factory, being a manager, being skilled, being strong, and yet underpaid. When she discovered it, trying to seek justice, she was unable to do so. The Senate stepped to the plate, and with Democrats moving forward, we passed the Lilly Ledbetter law, which does take care of the statute of limitations. It allows you to take as long as you have to to get to court to make your case. For Lilly, it was too late, and she never was able to recover what she deserved.

So now what Senator MIKULSKI has done with the Paycheck Fairness Act is to say we are going to go the next step. We are going to make sure that women have justice in the workplace, that women have rights.

Why is this important to families—not just to women but to families? It is because over a lifetime of discrimination that so many women face, it is not like here where you are a Senator, you are a Senator, you are a Senator, woman or man, out there it is different. When you are discriminated against over a lifetime and are only getting 77 cents—and some, by the way, only make 56 cents or 62 cents on the dollar—the average wage loss over a working lifetime is over $400,000. If you take a look at what our families could do with $400,000—educate a child, make sure people get the best of medical care, make sure the family has enough so they can all take a break together and have a decent vacation or buy a better car—this is an issue that not only involves women but our families and our economy because, guess what, if that $400,000 during a lifetime was with the family rather than the corporate CEO, who is making millions,

you would see the economy stimulated because middle-class families spend those dollars.

They do not hoard those dollars. So I am going to close by giving a couple of real-life examples. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. There is 2½ minutes remaining.

Mrs. BOXER. I am going to tell you some real stories.

A woman from California had an identical advanced degree as her husband. They both landed exact jobs but in different parts of the company—different worksites. The husband was offered $5,000 more in starting salary. They were shocked. The same resume. The same qualifications.

Then there was the health care worker in Long Island who discovered she had been earning $10 an hour less than her male colleagues. When she brought it up to her superiors, she was reprimanded for even asking about the rationale behind the wage gap.

Senator MIKULSKI's bill says a person cannot be reprimanded or punished because they are trying to find out if they are being paid fairly. That is why we have to pass this law. Anyone voting against it is taking a stand against women, is taking a stand against fairness, is taking a stand against justice, is taking a stand against our families.

Then there was a female employee for a major corporation in Florida who was told when she was hired that to disclose her salary to other workers was grounds for dismissal. Since then she realized her male counterparts made more than she did. But she did not have any written proof.

Another, a female employee at that company was told because her husband picked her up from work in a nice car that she did not need to get a salary increase. One woman retired after 15 years as an award-winning CEO of a public agency. Her male replacement, who had little experience, was hired at a higher salary.

After having a child, a California woman was fired from her job at a nonprofit. Her replacement, a man with less experience, was given 30 percent more in starting salary. We have example after example after example.

How the Republican side of the aisle could filibuster this bill is beyond my imagination. I do not know what they are thinking. They will give an excuse. They will come up with some excuse. They will say: Oh, it will hurt jobs. It will hurt this and that. It is all made up. It is all made up.

In this great Nation, when we move toward equality, we all prosper together. I urge an ''aye'' vote. I thank Senator MIKULSKI for this moment to be able to support this important bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The time for the majority has expired.

Ms. MIKULSKI. Mr. President, might I ask the parliamentary situation?

The ACTING PRESIDENT pro tempore. There is now 30 minutes under the control of the Republicans.

The Senator from Arkansas.

Mr. BOOZMAN. Mr. President, given that it is an election year, the American people are going to hear a lot of highly charged political rhetoric over the next few months. They are likely already tired of what they have heard. The Arkansans I talked with during the last week while traveling the State certainly have told me that much.

They do not want to see the finger-pointing. They want us to fix the problems we face. They are tired of the back-and-forth. They are tired of us seeking credit and placing blame. They see an economy in shambles and nobody willing to take responsibility.

To put it bluntly, they are frustrated. I think we all hear that message when we go home. I think we can all agree that more can and needs to be done. The jobs report that came out last Friday certainly reinforces that. When the President pushed through his massive stimulus package in 2009, he claimed unemployment would be below 6 percent today.

With a national unemployment rate of 8.2 percent, we are not even close to 6 percent, much less below it. To make matters worse, we are moving further away from the mark. This is the 40th straight month where the unemployment rate has remained above 8 percent, and 12.7 million Americans are unemployed. Millions more are underemployed. The economic picture is especially troubling for young Americans looking to enter the workforce.

America has the lowest employment-to-population ratio for young adults since 1948. Millions of Americans who are looking for work cannot find it. This is unprecedented, it is unacceptable, and it is unsustainable.

The President met the report with a call for another round of stimulus spending. Look, we have tried that. It did not work. More of the same will not work either. More government spending will not solve this problem. Paying for that spending by raising taxes on small businesses, the people we are counting on to turn our economy around, is certainly counterintuitive.

When the people we are counting on to spur the recovery tell us the country is going in the wrong direction, then we should listen. In almost every poll small business owners have responded that the uncertainty coming out of Washington is what is preventing them from hiring. Quite simply, they fear what the next wave of regulations is going to be and the proposed taxes, what that will do to their ability to grow their business.

Small business owners are afraid to invest any capital because they do not know what their taxes will be. They are afraid to hire another employee because they are nervous about what that will do to their health care costs and afraid to expand until they know how big their energy bill is going to be.

Washington has to change course. My colleagues and I have a better path to a healthy economy that restores economic security and opportunity. Our market-based reforms are focused on creating a healthier environment for businesses to hire and to expand. We want to cut through regulations instead of adding more. We want to fix the Tax Code to incentivize hiring instead of passing the tab for more wasteful spending on to small business.

We want to reduce their costs by encouraging the production of domestic sources of energy instead of driving costs up by continuing our reliance on other countries for our needs. Three years of trying to tax and spend our way out of this problem has not worked. The American people are rightfully frustrated.

All we are saying is we tried the President's way and it has not worked. Let's try our market-based approach. But here is where we run into the old election-year problem. Ever since the numbers were released, all the media has been talking about is what the report means in terms of the Presidential election. This, in turn, has Washington digging in deeper to its respective trenches. That angle of the story misses the most important part. This is about more than numbers, more than a report, more than a political talking point. It is real people, all of whom are looking to Washington for help. It is past time we started fighting for them instead of for our political futures.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. HELLER. Mr. President, I rise today in support of equal pay for equal work. The importance of women in the workplace is clear to every American. We all have women in families who have been a proud part of the workforce. For two decades my mother worked hard in a school cafeteria. My wife, a substitute teacher, has long been part of Nevada's workforce. My oldest daughter, in this economy, was fortunate enough to get a job after graduating from college just a few years ago. My youngest daughter, 16, recently got a summer job at a local food lot. Sixty percent of my Senate staff is female.

America is a land of opportunity, and Americans are equally united against discrimination in any form. If my mother, my wife, or my daughters experienced workplace discrimination based on their gender, I would be the first to come to their defense and ensure any inequities were addressed.

Congress passed the Equal Pay Act in 1963 to ensure every individual received equal pay for equal work regardless of gender. It is a strict liability statute that requires evidence of intent to discriminate. If there is evidence of intentional discrimination, appropriate remedies, including punitive and compensatory damages are available under the Civil Rights Act.

Let me be clear: Pay discrimination based upon gender is unacceptable. Despite the political rhetoric around here, everyone agrees on this fact.

The question is, Will the Paycheck Fairness Act actually address workplace inequality? The simple answer is no. Unfortunately, the only winners under this legislation would be trial lawyers, giving them a windfall, exposing employers to unlimited punitive damages.

This legislation opens the door to frivolous lawsuits which already cost our economy billions of dollars every year. Legitimate cases that could be addressed under the current system would be lost in a flood of lawsuits initiated by lawyers hoping to win a few large judgments.

These lawsuits, if successful, could transfer billions of dollars from employers to trial lawyers. In an economy already marked by uncertainty, this legislation would surely mean lost jobs, limitations on benefits, and pay cuts. These changes would mean much harder times ahead for Nevada's unemployed and underemployed, so many of whom are women.

Instead of a trial lawyer bailout, let's address the issue of equal pay. Instead of holding votes designed for press releases, let's actually work to solve our Nation's problems. Congress can strengthen the Equal Pay Act without handing trial lawyers a blank check.

The Wall Street Journal today referred to this legislation as ''a trial lawyer doozy just in time for the 2012 election ads.'' It goes on to say the bill ought to be called the ''Trial Lawyer Paycheck Act,'' since it is a recipe for a class action boom. The law automatically lists women as plaintiffs in class actions when lawyers sue employers, thereby requiring female employees to opt out of litigation with which they do not agree.

Businesses would be treated as guilty until they are shown to be innocent. You cannot be projobs and antibusiness. This is just another example of the Democrats' war on free enterprise while Americans suffer with joblessness and underemployment.

In fact, under this President there are 766,000 more women unemployed today than when he took office. I truly wish today's discussion was about leveling the playing field, truly ensuring pay equality and improving the economy. But years-old legislation mired in politics will not get us any closer to either ending gender discrimination in the workplace or ensuring that all women who want a job have a job.

This proposal could not pass when Democrats controlled both Chambers of Congress. Yet here we are today voting on the same measure again and again. Those who are actually victims of workplace discrimination are only getting lipservice from Washington. Like many of my colleagues, I worry about this proposal that will only increase litigation and do little to actually address the problems of pay inequality.

Advancements in pay parity have been made, but more needs to be done. Congress would better serve the hard-working women of our Nation if we focused on solutions that have actually worked. To this end, I have introduced the End Pay Discrimination Through Information Act. This legislation would protect employees who are trying to determine whether they are experiencing pay discrimination.

No one in this body should be so naive to say that pay discrimination has been eradicated. What we need to do is ensure that employees can find the information they need to determine whether they have a legitimate claim against their employer. The End Pay Discrimination Through Information Act provides antiretaliation and whistleblower protections which both sides should be able to agree upon. My legislation is a solution within the existing framework of our legal system that does not provide a handout to trial lawyers as the underlying bill would do. My bill also recognizes the role of women in America's workforce and the fact that an increasing number of U.S. households depend upon the income of working women.

My legislation states that ''equal pay for equal work is a principle and practice that should be observed by all employers.'' Every day working women are going above and beyond, balancing their responsibilities at home and at work to provide for their families. The least we can do is ensure that employers who intentionally discriminate on the basis of sex should be held accountable for their wrongdoing.

I believe my bill is a reasonable bipartisan step in the right direction. Instead of bringing up legislation that has failed in the past and will in the future, this Congress needs to give our Nation the economic certainty needed to create good-paying jobs so hard-working women across this country will be able to provide for their families and achieve the career successes they deserve.

I yield the floor.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Kansas.

MEDICAL RESEARCH

Mr. MORAN. Mr. President, throughout history, medical research has been responsible for hundreds of groundbreaking discoveries that have improved and saved lives, enabled health care to become more effective and efficient, and lowered overall health care costs.

May was National Cancer Research Month, and I wish to take a few minutes and recognize the importance of medical research and the invaluable contributions made by scientists, doctors, and researchers across the United States who are working not only to overcome cancer but many other devastating diseases.

With decades of research, cancer mortality rates have steadily declined since 1990, and today more than 12 million Americans are cancer survivors. In fact, the number of survivors have quadrupled since the mid-1970s, and the overall 5-year survival rate for all cancers has improved to more than 65 percent.

Decades of research and technological advances have brought us into a new era of medical care for cancer. We can now sequence all the genes of a tumor and use that information to determine the biological causes of cancer. This greater understanding of the causes of cancer has led to advances in prevention, early detection, and treatment that have saved countless lives.

Despite significant advances in research over the last few decades, much work remains to be done. More than 1.5 million Americans are expected to be diagnosed this year with cancer. It is estimated that one out of every three women and one out of every two men will develop cancer during their lifetime. In America, cancer is still the leading cause of death.

But history demonstrates that with a strong commitment to medical research, we can change these statistics not only for cancer patients but for many other patients as well. Congress's longstanding bipartisan support of the National Institutes of Health has been an integral part of establishing the United States as a world leader in research and innovation.

NIH is the focal point of our Nation's medical research and plays a critical role in laying the groundwork for the private sector to develop new drugs and treatments for cancer and other diseases.

I have seen firsthand how medical research at NIH is being translated into new treatments with a visit to the NIH Clinical Center in Bethesda, MD, which is the Nation's largest hospital devoted to clinical research.

The Center is uniquely designed to enable researchers to work directly alongside a wide range of specialists who deliver the best possible care to patients with the most advanced treatments available. This powerful arrangement has led to a long list of revolutionary medical discoveries, including chemotherapy for cancer, the first tests to detect AIDS/HIV, and the first treatment of AIDS.

Medical research leading to successful discoveries often takes years, requiring the institutional knowledge and intellect of numerous highly qualified, committed researchers. Given the vast amount of progress made over the last century and the great potential current research holds, we must not waiver on America's commitment to advancing disease cures and treatments.

If researchers cannot rely on consistent support from Congress, we will squander current progress, stunt America's global competitiveness, and lose younger generations of doctors and scientists to alternative career paths. Our Nation's researchers and scientists must know Congress supports their work and will ensure they have the resources needed to carry out their important work.

The next century holds great promise for future discoveries. By investing in

medical research, we are investing in our future.

In Kansas, the bioscience industry has grown at a faster rate than the national sector since 2001. This growth opens the doors for new medical and technological advancements.

Kansas has already become a leader in advancing biomedical and bioscience research. One example of this is the University of Kansas Cancer Center in Kansas City, which has formally applied to the National Cancer Institute to become an NCI-designated cancer center.

The National Cancer Institute is a component of NIH, and it is our Nation's principal agency for cancer research and training. Obtaining NCI designation would dramatically enhance the KU Cancer Center's ability to discover, develop, and deliver innovative treatments to patients in our State, improving their quality of life.

Currently, there are no NCI-designated centers in Kansas. With that NCI designation, KU Cancer Center patients would have access to the latest clinical trials and the most advanced cancer treatments close to home.

Because NCI designation is the highest recognition for an academic cancer center, KU Cancer Center would also be in a better position to recruit the best and brightest researchers and scientists to develop cutting-edge treatments and cures in Kansas.

In addition to saving and improving lives, medical research helps create thousands of jobs and drives economic growth across our country. NIH directly supports 350,000 jobs nationwide and indirectly drives more than 6 million jobs across our country.

Medical research also lowers costs by advancing treatments to chronic, debilitating diseases and improving early detection and wellness promotion. During a Senate Appropriations health subcommittee hearing last year, I asked NIH Director Francis Collins to explain how medical research at NIH could reduce health care spending. In his response, Dr. Collins pointed to the potential impact of medical research on Alzheimer's.

Today, annual costs related to Alzheimer's disease are roughly $180 billion, and those numbers are expected to rise to roughly $1 trillion by 2050. However, medical research leading to treatments that delay the onset of Alzheimer's disease could not only bring a better quality of life to thousands of families but also save billions of dollars.

Medical research has changed the lives of millions of Americans and has the potential to impact millions more because the possibilities are endless. But in order to plan for the future, scientists and researchers need certainty.

Today, Congress faces the difficult task of identifying our government's funding priorities, while at the same time righting our Nation's fiscal course. I will continue to advocate for fiscal responsibility, and I will also prioritize programs that effectively serve the American people.

Our consistent, sustained support of medical research is essential to saving and improving lives, growing our economy, and maintaining America's role as a global leader in medical innovation. This commitment will benefit our children and our country for generations to come. Most important, it will give us what we all desire, which is hope.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, how much time remains on the minority side?

The PRESIDING OFFICER. There is 50 seconds remaining.

Ms. MIKULSKI. Mr. President, I yield the floor.

Has all time expired on the minority side?

The PRESIDING OFFICER. Yes.

Ms. MIKULSKI. Mr. President, I now yield 5 minutes to the Senator from Delaware, Mr. COONS. The women of the Senate welcome those men who stand with us on this very important battle, and Senator COONS has been an outstanding advocate on this and other economic empowerment issues related to women, such as safety in the workplace and sexual harassment.

I yield the Senator 5 minutes.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I rise in strong support of the Paycheck Fairness Act, legislation to ensure the women of this country earn equal pay for equal work. I am grateful to Senator MIKULSKI—and many of our cosponsors—for her strong and able leadership on this important bill, S. 3220, which we will take up later this afternoon.

The principle of equal pay for equal work is a simple, powerful principle of basic fairness. In this year of 2012, no one should earn less for doing the same job just because of their gender. This legislation is an important step forward. It would plug holes and make critical changes in the law that would ensure the promise of equal pay that was first enshrined in our law decades ago.

This legislation will deter wage discrimination by closing loopholes in the Equal Pay Act and bar retaliation against workers who disclose their wages to colleagues. Knowledge is power, Mr. President. Women who don't know their male coworkers are earning more for doing the same job can't speak up and demand to be treated fairly.

My wife Annie and I are raising three wonderful children, all of whom are equally bright and driven and capable. As any parent knows, one of the phrases we hear more than any other from our own children is, ''That is not fair.'' When we pick out one for more entertainment or more opportunity, for more travel or more close family time, the first thing we hear from their siblings is, ''But, Dad, that is just not fair.'' As Annie and I raise our wonderful twin boys and our tremendous and talented daughter, we try as best we can to be fair. Yet I know my daughter Maggie, like other women and girls all across our country, will earn less than her brothers even if she chooses the exact same career track. That is just not fair. That is unacceptable. That violates our bedrock belief as a country in equality of opportunity and the American dream that if people work hard, nothing will stand in the way of their success.

I am hopeful by the time my daughter Maggie enters the workforce we will have reduced or ended the gender pay gap in this country. I believe by then our Nation's economy will be back to full strength. But the fact is thousands of families across my home State of Delaware, the Presiding Officer's home State of West Virginia, and my neighboring State of Maryland can't afford to wait for things to get better in the economy and in our legal system. They are struggling right now to pay their bills every month, and unfair pay discrimination adds to their burden.

Women in Delaware, on average, earn 81 cents for every dollar paid to men. Over their lifetime that means they will earn nearly $½ million—or $464,000—less than their male counterparts. Women make up just a shade under half of Delaware's workforce, and close to 40 percent of married, employed mothers in Delaware are their families' primary wage earners. When women are paid less than men for doing exactly the same job, it hurts whole families. Over 135,000 children in Delaware live in households that depend on their mothers' earnings.

I heard from one of those mothers—Patricia from Dagsboro, DE. She wrote to my office urging me to support this legislation. She wrote:

> Without my paycheck, we could not have afforded to pay for the college tuition for two of our children. If I had been paid equally for equal work, experience and education, it is likely neither of them would have had to take out student loans to make ends meet.

Patricia urged me to support the Paycheck Fairness Act.

Mr. President, paycheck fairness has wide-ranging consequences—from covering the cost of higher education to mortgage payments to everyday bills and consumer spending. Income earned by women is a key driver, a key contributor to our economy.

Some on this floor have attributed the pay gap to differing priorities or to the idea that some women choose to work fewer hours in order to spend

more time with their families or to meet their family care commitment. But the facts simply do not bear out this theory. Women earn less starting the very moment they graduate from school, before they have made any choices about family or worklife balance. That shows us pay discrimination is real. Study after study has shown it is pervasive and, in my view and that of many of my colleagues, it needs to finally be stopped.

The gender pay gap persists across all occupations and educational levels. But it is especially hard on minorities and female-headed households, which are much more likely, as a consequence, to be low income. The consequences of the gender pay gap remain even when a woman stops working because after a lifetime of lower earnings, the average Social Security benefit for American women under 65 is about $12,000 compared to $16,000 for men of the same age.

If I might say, in conclusion, then, Mr. President, there is not a Member of this body who would dispute women are just as educated, just as trained, just as capable in so many ways as their male colleagues across our whole society and there should be no difference in the equality of the pay they receive for that work.

I support the Paycheck Fairness Act because it will help women fight for the equal pay they have earned, and I urge my colleagues to do the same.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I wish to yield time to the Senator from North Carolina, Mrs. HAGAN.

Senator HAGAN is a freshman Senator, but she is certainly not new to this issue. Both in North Carolina's legislative body and in the Senate her work has always been for the economic empowerment of women, especially those women who stand every day and do those jobs requiring standing on their feet and at the end of the day have earned less pay and will get less in their pensions. As they stand for work, she stands for them on the Senate floor.

I yield Senator HAGAN 5 minutes.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. HAGAN. Mr. President, I certainly want to congratulate Senator MIKULSKI for all the hard work she has done, not only on this bill but on all the bills on which she has worked so hard on behalf of women in our country. I applaud her for her efforts.

I join with my colleagues to discuss an issue that affects women and families across America every day; it is the wage gap. Almost 50 years have passed since the Equal Pay Act was signed into law, and the wage gap between men and women remains wide today. It is time to bring the wages of women in line with those of their male counterparts.

I am proud to be an original cosponsor of the Paycheck Fairness Act. Yet some question why we need this bill. Well, the numbers make it pretty clear. Women in the United States earn 77 cents for every dollar that men earn. In North Carolina, it is a little better but not equal. Women earn 81 cents for every dollar earned by men doing the same work, the same job. Over the course of 1 year, women in North Carolina experience nearly $8,000 in lost wages. That is $8,000 from what her male counterparts earn.

With that $8,000, a woman could spend for her family an extra $110 a week on groceries for 73 weeks. She could buy another 2,200 gallons of gas at $3.60 a gallon. If women were paid the same as men for the same work, these are just a few of the expenses they would be able to afford more easily.

The wage gap is not isolated in one industry either. It exists across virtually every sector of our economy. The wage gap exists regardless of education level. In many cases, the most educated women are paid less for the same work, and it exists regardless of a woman's personal choices, such as becoming a mother. Working mothers should not pay a penalty for having children.

A group in North Carolina called MomsRising told me in the last few months they have heard from women across the State—from Wilmington, from Durham, from Greensboro, and from Raleigh—that once these women actually had children, they got overlooked for promotions, overlooked for pay raises, and overlooked for the projects on which they wanted to work. However, this collective group of women are afraid to speak out about their wage discrimination because in this economy they are worried about getting fired from the job they need to support their families.

Yesterday I met with women and small business owners in Charlotte to discuss the Paycheck Fairness Act. My visit with those fantastic women reinforced for me the importance of this bill, the Paycheck Fairness Act. One woman brought her young son with her to the event and they both wore T-shirts that each had a number on the front. The mom's shirt said 94 and the son's shirt said 50. If earnings continue at the slow pace they are going now, those numbers signify the ages that mom and that son will be when pay equality is achieved in our country. Sadly, at the rate we are going, most of us in the Senate will not live to see that day.

This wage gap has real consequences, not just for women but for their children too. In North Carolina alone, women head over 500,000 households. The economic security of women and families is put at risk when they are paid less than men for performing the same jobs. Later today I will be voting to help close this gap, to help bring the wages of women in line with those of their male counterparts. I am hopeful that petty partisan gamesmanship does not get in the way of a bipartisan issue that both Democrats and Republicans, men and women, overwhelmingly support.

In a recent poll, 81 percent of men and 87 percent of women supported having a law to provide women more tools to get fair pay in the workplace. This poll also showed support for such a law from 77 percent of Republicans and 87 percent of Independents and 91 percent of Democrats. With such widespread approval, we should be able to address this issue right away.

We need Paycheck Fairness to prohibit employers from retaliating against employees who discuss salary information with their coworkers. We need Paycheck Fairness to strengthen the legal remedies available for women to ensure they can be compensated for pay discrimination. We need Paycheck Fairness to provide businesses, especially small ones, assistance with equal pay practices.

On the eve of the anniversary of the Equal Pay Act, we need to close the loopholes that allow pay discrimination to happen. The Paycheck Fairness Act would do just that by helping women successfully fight for full pay.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. HAGAN. I ask unanimous consent for 30 additional seconds.

Ms. MIKULSKI. I yield the Senator an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HAGAN. Equal pay for equal work to me is just basic common sense. I hope this body can come together to address this disparity that exists in North Carolina and around our country.

I again thank Senator MIKULSKI for the work she is doing on behalf of this very important bill that is truly going to make a difference in the lives of women throughout our country, as well as their families.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, this is time for both Republicans and Democrats to speak. We invite our Republican colleagues to come and speak. Even within the Republican Party, we know there are those who agree with us and those who do not. For those who agree, we would love to hear their voices. For those who do not, let's have a debate. Let's take a look at what are some of the issues being raised as a criticism of the bill. We are ready to talk about it.

I have heard some of the most outrageous things on cable TV about why we should not pass this bill. One was accusing us that this will undermine small business. Small business has protections under the Equal Pay Act. Under the existing law—which this would not change—the Equal Pay Act

already exempted small businesses that make less than $500,000 in annual revenue per year. It keeps the Equal Pay Act exemption intact.

We also have the support of the U.S. Women's Chamber of Commerce. This is a chamber of commerce of small business owners. They support this bill. So we do not believe that is a valid argument.

There is another argument going around that for some reason if we pass the Paycheck Fairness Act, somehow or another, we are going to lower the wages men make. That is absolutely one of the most ridiculous, rhetorical, twist-and-turn arguments. It is not factual and it is not legal. It is illegal now to remedy wage discrimination by reducing wages of other employees. I will quote—it is illegal under the other labor protection laws—and I don't mean labor such as in union, I mean labor such as in workers—it is illegal to remedy wage discrimination by reducing wages of other employees.

The Paycheck Fairness Act doesn't alter any other affirmative defense available to employers. Employers may still pay different wages to male or female employees if it is based on seniority or quality of production. If someone is a guy on an assembly line and he makes more hubcaps than women, fine. But we find that is no longer true in the information age economy.

Equal pay, I wish to say again, is not only a women's issue, it is a family issue. Sometimes we find we are discriminated against by great guys at the water cooler who tell us where it is. What people need to know is that right now it is legal to fire someone if they make an inquiry about how much they are making and how much their male counterpart is making. It is illegal or they can be subject to all kinds of harassment and humiliation.

You ought to hear some of the horror stories we hear from women just because they wanted to know: George, how much are you making?

We thank the good men who supported us. They have often been business whistleblowers, where they told us what they are making. They know we are working just as hard. We worked as hard to get the education to do the job, we worked that hard on the job, but we continue to have to work hard to get equal pay for equal work.

I wish to make it clear once again, this legislation will not result in a lower paycheck for men.

There is also a bona fide question, which is: Why are we doing paycheck fairness? Didn't we solve these issues in Lilly Ledbetter? Paycheck fairness was a downpayment on this because it kept the courthouse door open. Paycheck fairness makes it harder to discriminate in the first place. Right now, as I said, employers have the ability to retaliate against workers who share salary information. Ledbetter did not address this issue. Paycheck fairness does. Women can now, under Paycheck Fairness, sue for punitive damages. Lilly Ledbetter did not address this. This would deal with that.

There are a variety of things I can elaborate on, but I see one of the real champions for justice, civil rights, and the empowerment—especially the economic empowerment—of women, my colleague from Michigan, Senator STABENOW. I yield Senator STABENOW 7 minutes and thank her for her longstanding advocacy and work. She has raised her voice for those who often do not have a voice in high places of power.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, first, let me say thank you to the champion. We have just been hearing from the champion, not only in the Senate but in the Congress, on so many issues that have led to empowerment for women and equality for all people to have a chance to succeed in our economy. Certainly, whether it is preventive health for women or the Paycheck Fairness Act, I thank Senator MIKULSKI for leading the way and being the person we look to. I am proud to stand with Senator MIKULSKI on the floor of the Senate.

Since our founding, our country has been a destination for those who seek equal treatment and equal opportunity. Across the world, America is known as the land of opportunity. I am very proud we have that label. Our hard work and ingenuity built the country, brick by brick, city by city. My home State of Michigan was right in the middle of it—building the tools, the vehicles that built our country and that, frankly, built the middle class of our country. Those looking for new opportunity, those with entrepreneurial spirit have always been welcome here in America.

People still make the journey to this country in search of a better life. We tell the world that everyone has equal opportunity, that if they put in just as much hard work as their neighbor, they will earn a decent living and be able to provide for their family. But that is only half true. Everyone can work hard, everyone can be successful, but for some reason it is acceptable that women do not need to be paid as much as men for the exact same work. This is unacceptable. That is what this legislation is all about.

Nationally, women make 77 cents for every $1 a man makes for the exact same job. In Michigan, the numbers are even worse. Women make 74 cents on every $1 for the exact same job. I received countless letters from constituents describing how this affects their lives and their families' lives. Teresa from Detroit is a single mom with two daughters. One daughter is in college. Teresa tries to help her out as much as she can, but she gets paid less than her male coworkers for doing the same work so it is tough.

Pamela from Romulus, MI, is the sole breadwinner in her house, supporting her husband who is a disabled Vietnam veteran and their children. She works at a corporation and took over a man's job. Then the company changed the title so they could pay her less.

Craig from Lowell wrote in to tell me his story. By the way, this is a common story in Michigan over the last number of years. He lost his job in 2008 because of the recession. His wife had to support their entire family of four. The family had to go on food assistance, something they never thought in their wildest dreams they would have to do because Craig's wife has been working at the same company for 23 years but has not gotten a raise in the last 4 years and makes several dollars an hour less than her male counterparts.

Melissa from Ann Arbor is the sole breadwinner in a family of four. She figured out if she were paid the same as her male colleagues, she would take home an extra $1,000 a month after taxes. She said that $1,000 would make her family more stable and let Melissa and her husband take her children on trips, give them new opportunities, allow them to be enrolled in sports and save for retirement—that extra $1000 a month.

Cheryl from Okemos has had to take a second job just to make as much as her male counterparts at her day job, and it has cut down on how much time she can spend with her family. She has a second job just so she can make as much as her colleagues who work one job—she has two jobs. The tradeoff for her is as a mom spending less time with her family. She is able to feed and clothe their children, but she says she is missing out on watching them grow up—also a very important value we talk about all the time on the floor of the Senate, in terms of values for families.

Linda from South Lyon wrote about her lifetime of being discriminated against just because she is a woman. Over her career she has consistently made less than men in the same industry with the same job description. One executive even told her he only hires women because they work harder and he can pay them less. They work harder, but he should not be able to pay them less.

Sandra from Marshall has worked as an engineer at the same company for 28 years. She has been rated as one of the company's best performers. Despite this, she has never risen to the level where she earns bonuses and a better pension—a level in her company that is dominated by men. She has countless people she has hired and trained and watched them pass her by. These stories are real.

Jennifer, from the west side of Michigan, is a university teacher and athletic coach. She was the head coach of a varsity women's team and taught six classes. She saw men in the same position make more money while they taught fewer classes. She watched them receive tenure with master's degrees while she was required to work toward a Ph.D. to be eligible for the

same tenure. She was denied tenure despite good performance evaluations. Yet a male assistant coach at the university was given tenure without a Ph.D. because he had a family. These are real stories.

This is about families, economic opportunities, and security for families. America is known as the land of opportunity, and people still make the journey to our great country in search of a better life. Everyone has an equal chance to work hard and everyone can be successful, but not everyone gets the same opportunity to be successful.

Women in Michigan make 74 cents for every dollar a man earns for the exact same job. There are so many families in Michigan struggling right now. It should not be harder on them just because the primary breadwinners are women. It is just not right.

Middle-class families need economic security, and that is why we need the Paycheck Fairness Act. We have made strides to move forward. This is not complicated. It is not rocket science. It is very simple. This is about equal pay for equal work. We talk the talk all the time. It is time to walk the walk and to pass this bill.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I yield 5 minutes to the gentleman from Illinois and thank him for his persistent advocacy on this issue. Senator DURBIN was one of the people in public leadership who said we have to really address this as we approach the 49th anniversary of the Equal Pay Act. We thank the Senator for his work, and we thank him for his voice today.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, let me just say to those who are following this debate, if we go to the dictionary and look up the word ''persistent,'' there will be a picture of Senator BARBARA MIKULSKI of Maryland. She has been our leader on so many important issues.

The very first bill signed by President Barack Obama—and she remembers the day, as I do—we were standing there when he signed the Lilly Ledbetter law, which protected the principle of equal pay for equal work by allowing workers to pursue pay discrimination cases beyond the arbitrary, unreasonable window that had been set up by the Supreme Court. When President Obama signed that first bill, his first bill as President of the United States, he handed the first pen of that signing to Senator BARBARA MIKULSKI. It was entirely appropriate. No one has dedicated more of her professional and public life to this cause of justice than Senator MIKULSKI.

It is nearly 50 years after the passage of the Equal Pay Act. Now we have to ask ourselves, well, how are things going in America when it comes to equal pay? It turns out that when it comes to the managerial positions of women and men, women make 81 cents for every dollar paid to a man when they are managers of a business. According to the U.S. Census Bureau, the gap grows larger—77 cents for your daughter as opposed to a dollar for your son—when you look at the entire working population. As the father of a daughter and a son, that is unfair.

According to the Joint Economic Committee, on average, women in my State of Illinois earn about 78 cents for every dollar paid to a man. What does that add up to over a lifetime? That adds up to over $480,000 in wages that are denied to a woman who is doing exactly the same work as a man. That is money that could be used to pay the mortgage, to buy the groceries, to put kids through school, and maybe even fill the gas tank. That money is denied to women day after day, week after week, month after month because of basic discrimination in the workplace.

We cannot ignore this gender wage gap. It is too large and, unfortunately, shrinking too slowly. The Paycheck Fairness Act—when we have a chance to vote on it—will narrow that pay gap by clarifying that the difference between a man and a woman is not an adequate reason to differentiate pay. It also guarantees that women facing discrimination have access to the same remedies under the law as men and, under the law, as are afforded to racial and ethnic groups based on discrimination.

I am afraid to say it—and I hope I am wrong—that this afternoon when the rollcall is taken, it will be a partisan rollcall. There will be Democrats in favor of ending this discrimination, and virtually all Republicans—and I hope I am wrong about this—are going to vote against it.

Instead, the Republicans want to bring a different bill to the floor. I am not going to dwell on it other than to say that I like Senator RUBIO, he is a friend of mine from Florida, but his bill is a very bad idea. It is called the RAISE Act. Simply stated, it innocently says that an employer who is party to a collective bargaining agreement with a union would be allowed to give a unilateral pay raise to selected employees of that employer's choice. Well, who is against a pay raise? So you take a closer look at it. What it does is it allows managers and employers to pick and choose among employees for these pay raises and, sadly, without any basis other than their personal decision. I am afraid I know where that leads. Unfortunately, it leads to the same kind of wage discrimination we see today between men and women. It may lead to nepotism. It may lead to kind of favorable treatment for some employees for reasons that have nothing to do with the workplace. This sounds so innocent, but it is not.

Under current law, unions and employers can agree to link pay increases and bonuses to performance, and that is the way it should be. In fact, many collective bargaining agreements already provide for merit-based pay increases. The Rubio approach is not good news for workers across America. It is no help to women across America facing wage discrimination.

This is not the first time or the only time we have had these battles of gender equity on the floor of the Senate on the question of whether we are going to have basic funding for health care for women across America. For over 40 years, we have been committed to title 10, and yet we have faced the elimination of title 10 funding from the Republican leadership in the past. In fact, they threatened to shut down the government rather than provide this health care that women need. Many can remember a few weeks back on the Senate floor when Senator BLUNT of Missouri filed an amendment to the Transportation bill allowing any employer or insurance company to deny health insurance for any essential or preventive health care service that the employer objected to because of his undefined religious or moral convictions. They could—for any reason—deny health coverage to an employee. Well, we defeated the Blunt of Missouri amendment. It was another attempt to try to give employers a way to discriminate against employees and, in many cases, against the women who work for them.

We have tried our very best to push through bipartisan legislation, such as the Violence Against Women Act, which in the past has passed overwhelmingly by a voice vote. Have you visited a domestic violence shelter? Have you seen a woman who has been a victim of domestic violence? I have. In Champagne, IL, a woman sitting across the table from me had a baby on her lap and had a big black eye. She had been punched in the face by her husband, and she came to the shelter looking for a helping hand. You can't look into the teary-eyed face of a mother and think that this is not a good cause and a just cause. Instead, it turned out to be a political battle here as to whether we were going to pass the Violence Against Women Act. We did, and I am glad we did. It stalled over in the House of Representatives because they refused to move that forward so we could provide this kind of protection.

Time and time again, the basic legislation to protect women, families, and children used to be done on a bipartisan basis, used to be done unanimously, with supporters from both sides of the aisle, and it has now turned into partisan political bickering. Let's hope that when it comes to this bill, this question of fairness in the paychecks of women and men across America, that maybe I will be just flatout wrong. Maybe at 2:30 we are going to see a return to that thrilling era in the Senate history when Democrats and Republicans stood together for fairness and justice. We will give our colleagues a chance at 2:30.

I thank Senator MIKULSKI for bringing this important and historic matter to the floor.

I yield the floor.

Ms. MIKULSKI. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I now yield 5 minutes to the Senator from Louisiana, who chairs the Small Business Committee and really knows the impact of the economic issues related to the empowerment of women. She has worked on a bipartisan basis on this issue. Hopefully, she will comment on how this bill will have no negative impact on small businesses.

I yield to Senator LANDRIEU for 5 minutes.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, let me begin by acknowledging the leadership of the Senator from Maryland and the other Senators who have come to the floor this morning to speak on behalf of a bill whose time has come and, some might say, a bill whose time has passed. It has been almost 50 years since the original gender equity in the workplace bill was passed, and it has not been modernized in over five decades. So, in large measure, this is really a bill whose time has come, and we hope to make that law happen in the next few weeks. With support from both Democrats and Republicans and by putting common sense and heart and compassion and good business sense, might I say, before political talking points, this, in fact, could be done.

The reason this bill is so important is because 50 years ago women were not major breadwinners in families. As the Presiding Officer knows, there was tremendous hiring discrimination against women and minorities. Happily, that seems to be passing and fading. There are women now at the highest ranks of corporate America. We have had women serving in the highest positions here in Washington, DC, and around our country. While there still is a gap that can be recognized both in the private and public sector, the ability for women, with the right credentials and the right background, to get hired is easier today and is happening more than ever before.

The problem is that when we look at the wage gap, unfortunately, it still persists. With women now in many instances being the major breadwinners in their families, this is really a family issue. It is paying some families much less than others based on the fact that there is a woman as the breadwinner instead of a man. That is hurting families throughout America. It is not fair, and it should not be tolerated. That is why this bill, introduced by Senator MIKULSKI and cosponsored by many of us, is important.

Wage discrimination is against the law and it has been for 50 years, but the consequences and the actions individuals can take if they feel as though they are being discriminated against are, in effect, different and not where they need to be. So this law updates the Equal Pay Act that was passed in 1963 to basically put the final nail in the coffin of wage discrimination.

In 1967 women only earned 58 cents to every dollar a man earned in an equal—in an exact—position. That was grossly unfair, but it is still unfair today that women in the same job are still making only 77 cents for every dollar a man earns. It is not right, and it must be corrected. We can correct it by passing this law that gives people who believe they are being discriminated against better access to the court and, might I say, it also gives businesses that potentially are the ones being sued—even small companies or large companies—more protections in this bill than other businesses have in similar discrimination cases. In other words, frivolous lawsuits will not be allowed, and if a case is not strong, there is a screen that is tighter in this bill than in other pieces of legislation.

I realize there is some opposition from the business community that contends that this bill will simply usher in more controversy or more courtroom time. But the fact is that is exactly the way our system was created. Congress passes laws and enforces equal pay for equal work. If people feel as though they are not being treated fairly under the law, they are supposed to try to modify that behavior out of court, and if they can't, then we ask them—we, in fact, want them—to go to court to try to get it settled. That is the American system. We don't want people to overuse courts or to abuse courts, but we most certainly want people who feel as though they are not being treated fairly under the law to have access to a court system.

Might I say that despite the fact that our court system is regularly criticized, I would much prefer to show up in a court here than in Iraq or in Egypt or in Afghanistan or even in some places in Europe or most certainly some countries in Africa. America has a very transparent, fairly sophisticated and modern judiciary system, and it really is a model for the world.

Sometimes I think we overlitigate in some areas, but where are these women supposed to go? What are they supposed to do—have an appointment with their Congressman, show the Congressman their paycheck? No. Congressmen don't do that. Judges do. And when they get their day in court, they can show their pay stubs, and they can then demonstrate that they have been doing the same job as the man next door but they have been getting paid 77 cents on the man's dollar. That is why this bill is important.

I don't know for the life of me why the chamber of commerce is opposed. I think there are a lot of women in the chamber of commerce as business owners and as women who used to work for other businesses before they owned their own. I had hoped they would stand and speak for women everywhere, that when a woman shows up early in the morning and works until late at night, they deserve to be paid the same as a man doing that exact job.

According to the American Bar Association, in the 50 years since its passage, the Equal Pay Act has become outdated, ineffective, and wage discrimination remains persistent, widespread and pernicious.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. LANDRIEU. I ask unanimous consent for 30 more seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. In my home State of Louisiana, wage discrimination based on gender is particularly problematic. According to the Joint Economic Committee Report, women in Louisiana do not earn 77 cents, they earn 69 cents for every $1 paid to men, which is significantly less than the national average.

At the same time, women make up almost half—48 percent—of the Louisiana workforce, and 24 percent of married, employed mothers in Louisiana are their family's primary wage earners.

This bill is the next step. It is the right step. It is the commonsense step to fight against wage discrimination, and I am proud to join my colleague from Baltimore, from the State of Maryland, in championing this particular bill.

Again, I thank the Senator from Maryland and I look forward to working with her and my colleagues to try to get this bill to the President's desk in the next few weeks. This is an economic development issue, as the Senator from Maryland knows.

I yield the floor.

Ms. MIKULSKI. Mr. President, before the Senator leaves the floor, first of all, we thank her for her statement. I wonder if she would yield for a question.

Ms. LANDRIEU. Yes, I will.

Ms. MIKULSKI. The Senator chairs the Committee on Small Business and has been steadfast and has worked with the ranking member, Senator OLYMPIA SNOWE. Much has been said on cable TV about how this is going to smash and decimate small businesses. Is that true? I come from a small business family. My father owned a small grocery store. But cashiers are cashiers, male or female.

Ms. LANDRIEU. Absolutely. And it is not. That is why I stressed, I say to the Senator from Maryland, that in this bill, which the Senator has so ably

sponsored and written, the screen to get into court is tighter than in other wage discrimination laws on the books. That is for the protection of all businesses, small and large, so they are not clobbered with frivolous lawsuits.

But as the Presiding Officer knows, many women are employed in small businesses—I mean between 1 and 5 employees or 1 and 10 employees. They need to be protected in the workplace. Hopefully, we have created a balance between the owners of the business and their employees, whether they are union or not.

Ms. MIKULSKI. I thank the Senator for her comments and clarification.

I now yield 3 minutes to the Senator from Connecticut, Mr. BLUMENTHAL, a newcomer, but certainly he is one whose experience in Connecticut as an attorney general, who has actually had to litigate some of these cases, brings excellent insight to this issue, and we welcome his remarks.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, first, let me join so many of my colleagues in thanking the Senator from Maryland for being such a steadfast and strong champion and a model for me as a newcomer of leadership in the Senate. I thank all the women who have spoken today—the women of the Senate—who are, on this issue and so often on other issues, our conscience in this body. They are cutting through the unfounded—indeed, counterfactual—arguments made against this measure, which is simply a commonsense fulfillment of the American precept that people who work equally hard and equally well should be paid equally.

The question before this body is, are women worth less than men? The answer today and every day should be no. They are worth every bit as much as men when they work as hard and well, and they should be entitled to equal pay for equal work. Yet in too many jobs in Connecticut and around the country, women continue to earn substantially less than men.

In Connecticut, the number is 78 cents on the dollar, and that fact is unacceptable.

This issue goes beyond the women who are affected individually. It is about their families. Because, on average, mothers in Connecticut contribute 40 percent to their family's earnings.

Closing the pay gap for women would strengthen the finances of families around Connecticut and across the country.

This issue is about more than just women and families; it is about children. The burden of wage discrimination weighs heavily on the 549,000 Connecticut children in households dependent on the money earned by their moms. The victims of this gender pay gap are the children of families whose mothers are discriminated against.

This issue is about the economy. Those women who are denied equal pay have less to spend. If the wage gap were eliminated, working women in Connecticut would have additional earnings to purchase 109 more weeks of food for the average family, make 7 more months of mortgage payments or purchase 3,000 additional gallons of gasoline.

I urge my colleagues to be on the right side of history. As Martin Luther King, Jr., said: The arc of history is long, but it bends towards justice. Let us do justice today in this measure and pass the Paycheck Fairness Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I now yield the floor to Senator HARKIN, the chairman of the HELP Committee, which is where this bill originated. We thank him again for all his hard work on this issue and others related to any wage discrimination and standing up for women. I yield the chairman of the committee such time as he requires.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank Senator MIKULSKI for her tremendous leadership on this issue—a lot of issues, quite frankly. But she has focused laser-like attention on this issue for so long, and I would hope, when we have this vote at 2:30, we can at least get to the bill and debate the bill and have amendments on the bill. But I am afraid our Republican colleagues are not going to let us do that.

Again, I applaud the senior Senator from Maryland, Ms. MIKULSKI, for introducing the Paycheck Fairness Act and fighting so hard for so long for it.

Again, to repeat what has been said before—but I think it needs to be repeated time and time again—in 1963, Congress responded to wage disparities between men and women by passing the Equal Pay Act of 1963. At that time, 25 million female workers earned just 60 percent of the average pay for men.

Now, nearly half a century after the passage of that landmark law, we have made some progress toward eliminating this gross inequality, but it is not enough. There should be no gap. But today, a wage gap continues to exist within every segment of our economy, at all education levels and in all occupations. So for every $1 a man earns now, a woman earns just 77 cents. That is better than 60 cents, as it was in 1963. But one would think a half a century later we would at least be equivalent. But now it is still just 77 cents.

Women's lower wages add up tremendously over a career. Over the course of a 40-year career, women, on average, earn nearly $400,000 less than men. Women with a college degree or more face a career wage gap of more than $700,000 over a lifetime of work when compared with men with the same education.

The consequences of the gender pay gap are enormous, impacting not just women but families as well. In today's economy, women represent half of all workers and earn an increasing share of family income. Two-thirds of mothers are major contributors to family income. In today's economy, when a mother earns less than her male colleagues, it is her family—her family—that often must sacrifice even the basic necessities, such as purchasing needed pharmaceuticals and putting healthy food on the table. In many cases, women have to work more hours to earn the same paycheck as men, reducing time spent with their family.

While many factors influence a worker's earnings—including occupation, education, and work experience—there is overwhelming evidence that actual gender discrimination accounts for much of the disparity between men's and women's pay. But, unfortunately, our laws have not done enough to prevent this discrimination.

While I am pleased that the first piece of legislation President Obama signed into law was the Lilly Ledbetter Fair Pay Act—again, that was only a first step; we need to do much more—too many women are still not getting paid equally for doing the exact same job as men. This is illegal, but it happens every day. There are just too many loopholes in our existing laws and too many barriers to effective enforcement.

That is why we need to pass the Paycheck Fairness Act. I thank Senator MIKULSKI for her leadership in advancing this bill. In 2010, we had a hearing on this in our committee, and I was hopeful it would pass in the last Congress. But as has happened too often in recent years, Senate Republicans filibustered the bill. So understand this: 58 U.S. Senators—58; that is more than just a small majority, that is a big majority—voted to support this legislation. But because of Republican obstructionism and filibusters, we could not even proceed to debate the bill because we had to have 60. We had 58 Senators supporting the bill. That was 2 years ago.

Two years later, Republican obstructionism continues. I want the American people to understand this. Republicans—the minority party—are preventing this Senate from even considering the issue of unequal wages and gender discrimination. Let me repeat: Republicans are not just preventing this important legislation from receiving an up-or-down vote, they are preventing the Senate—supposedly the world's greatest deliberative body—from even debating and considering the bill. Millions of women and their families are concerned about the fact that they get paid less than their male colleagues. Nevertheless, Republicans will not even allow a debate on the issue in this body, debate and amendment on the bill.

As an aside, I might say another reason why we need filibuster reform. This country cannot go on like this. This country cannot go on with gridlock as

we have had it in the Senate. We need to reform and do away with the filibuster as it now is being used. We need to do away with it when the Senate reconvenes after the election next January.

Strengthening our existing laws by passing the Paycheck Fairness Act is the next step toward wage equality, but it cannot be the last one. We must also tackle the more subtle discrimination that occurs when we systematically undervalue the work traditionally done by women—I repeat, when we undervalue the work traditionally done by women.

The fact is, millions of female-dominated jobs—jobs that are equivalent in skills, effort, responsibility, and working conditions to similar jobs dominated by men—pay significantly less than the male-dominated jobs. This is hard to fathom and impossible to justify.

Let me point out a couple things. Why is a housekeeper worth less than a janitor? Mr. President, 89 percent of maids are female; 67 percent of janitors are male. While the jobs are equivalent, the median weekly earnings for a maid is $387; for a janitor, it is $463.

Truckdrivers—a job that is 95 percent male—have a median weekly earnings of $686. In contrast, a childcare worker—a job that is 95 percent female—OK, we got that: truckdrivers are 95 percent male, they get $686 a week, median; a childcare worker, 95 percent female, has median weekly earnings of $400.

Why do we value someone who moves products more than we value someone who looks after the safety and well-being of our children? I am not here to say the truckdriver is overpaid; it is to say that jobs we consider ''women's work'' are underpaid.

When we connect these things we say: You are right. Jobs we think of traditionally as being women's jobs are totally undervalued in our society. That is why in every session of Congress since 1996 I have introduced the Fair Pay Act along with Congresswoman ELEANOR HOLMES NORTON, which would require employers to require equal pay for equivalent jobs—equalize pay for equal jobs. This bill would require employers to provide equal pay for jobs that are equivalent in skill, effort, responsibility, and working conditions.

Now, one might say: Well, that sounds way out. How can we do that? Well, in 1982, the State of Minnesota implemented a pay equity plan for its State employees. They found that women were segregated into historically female-dominated jobs, and these jobs paid 20 percent less than male-dominated jobs. So the State of Minnesota instituted this law. Pay equity wage adjustments were phased in over 4 years, leading to an average pay increase of $200 per month for women in female-dominated jobs. The wage gap closed by approximately 9 percent.

In 1984, the Republican Governor, Republican Legislature, passed similar legislation in the State of Iowa: pay equity for equivalent jobs—equivalent jobs. So this is not unheard of in this country. It is unheard of for us to do it at the Federal level covering everybody, but some States have already taken leave—as I said, Minnesota in 1982 and Iowa in 1984.

This bill would require employers to publicly disclose their job categories and pay scales—not individual employees' pay but their categories and pay scales. That way a woman would know whether she needed to negotiate a better deal. Right now women who believe they are the victim of pay discrimination must file a lawsuit and endure a drawn-out legal discovery process to find out whether they make less than the man working beside them. Well, with pay statistics readily available for categories and pay scales, this whole process could be avoided.

I asked Lilly Ledbetter at a hearing once: If the Fair Pay Act, the one I am talking about now, had been law, would it have obviated your wage discrimination case? She said with the information about pay scales this bill provides, she would have known she was a victim of discrimination and could have addressed the problem much sooner, before it caused a lifelong drop in her earnings and before she had to go all the way to the Supreme Court to try to make things right.

If Republicans allowed us to proceed to the bill, I would offer the Fair Pay Act as an amendment. Yet I emphasize again, because of the Republican obstructionism, we cannot even debate or amend the bill. We cannot even bring it up and amend the bill.

Finally, I want to comment on the RAISE Act. My Republican colleagues would have us believe that we can solve the pay gap by allowing employers to give merit-based pay increases above levels negotiated in a collective bargaining agreement. Well, this is nonsense. The RAISE Act has nothing do with women's pay. Rather than seriously discussing gender discrimination, the Republicans have tried to change the subject by resorting to yet another partisan attack on organized labor—on labor unions.

In fact, not only does the RAISE Act do nothing to address the discrimination faced by women in this country, the RAISE Act would both exacerbate the wage gap and lower pay for all workers. Collective bargaining agreements raise wages for all workers. The RAISE Act would undermine collective bargaining by requiring that all union contracts include provisions allowing employers to unilaterally grant wage increases to select employees.

The primary effect would be to weaken the union's ability to bargain for higher wages for all workers. It would also give employers unfettered discretion to dole out pay increases to preferred employees. That is a recipe for more discrimination, not less.

I urge my colleagues to stand with Senator MIKULSKI in support of the Paycheck Fairness Act today. It is a simple, commonsense piece of legislation. There is no reason we should not take it up and pass it right away. Once we have closed the loopholes and ensured effective enforcement of the Equal Pay Act, we must turn our attention to the millions of women, especially low-wage workers, whose work is undervalued. Think of childcare workers. Think of the women who are now taking care of our elderly who are living longer but need supportive care in their later years, mostly women. Why is that work being undervalued? We must ensure they receive the recognition and fair treatment and fair pay they deserve by passing the Fair Pay Act.

In closing, the fight for economic equality is far from over. It should not be over until every working woman in America receives a fair day's pay for a fair day's work.

As the chair of the HELP Committee, I plan to keep advocating for fair pay and focusing on equal wages until we have achieved real equality for women across the country. But first things first. It is time for our Republican colleagues to end the filibuster and allow the Pay Check Fairness Act to come to the floor this afternoon for debate, amendments, and a final vote.

I yield the floor.

Mr. LEAHY. Mr. President, today, we have an opportunity to take another long overdue step to close the wage gap between men and women. Equal pay for equal work should not be a Democratic nor a Republican issue but an American issue of basic fairness. It is shameful that gender discrimination still exists in our country and more so at a time when women make an ever-increasing number of heads of households. That is why I am proud to join Senator MIKULSKI as a cosponsor of the Paycheck Fairness Act.

Vermont has been a leader in the fight of equal pay for equal work. According to a recent report by the American Association of University Women, the State of Vermont leads the Nation, second only to the District of Columbia, in equal pay issues, yet Vermont women still make just 84 cents on the dollar compared to their male counterparts. Over a decade ago, the Vermont Legislature passed legislation requiring equal pay for equal work, barring employers from retaliating against employees for disclosing the amount of their wages, and made it easier to file wage discrimination claims. Unfortunately, not all States offer these protections. The Paycheck Fairness Act is a step in the right direction to bring Vermont's inclusive example to the Federal level.

The Paycheck Fairness Act sets out a clear path to address the systemic problems that result from pay disparities. It takes critical steps to ensure that employers follow the law; prohibits retaliation against workers for disclosing their own wage information or for filing a charge in an Equal Pay

Act proceeding; strengthens penalties for equal pay violations; adds programs for training, research, technical assistance to help better identify and handle wage disputes; and establishes a national award for pay equity in the workplace recognizing employers who demonstrate ''substantial effort to eliminate pay disparities between men and women.''

The Paycheck Fairness Act would also narrow the criteria under which an employer can defend pay disparities and enlist the Department of Labor to help eliminate gender-based pay gaps. This bill would ensure that American women and their families aren't taking home smaller paychecks because of their gender. Another piece of this legislation specifically deals with reforming the procedures and remedies for enforcing the law. It would mandate record-keeping and data collection for better enforcement of the law. Under this bill, the Equal Employment Opportunity Commission would be directed to issue regulations for the collection of wage data from employers based on sex, race, and ethnicity.

This legislation would be another in a series of bills seeking to address the harms against working women. The Equal Pay Act was enacted in 1963 to protect employees against wage discrimination with respect to an individual's race, ethnicity, religion, or sex. It is true that we have closed the wage gap for women versus their male counterparts from 61 cents on the dollar in 1961 to 77 cents today, according to the Bureau of Labor Statistics. However, that decreases to 62 cents on the dollar for African-American women and just 53 cents on the dollar for Hispanic-American women. Being 77 percent right is not good enough. The efforts to achieve parity for women in the workplace must continue.

In 2009, I joined Senator MIKULSKI and others in introducing the Lilly Ledbetter Fair Pay Restoration Act. That bill was necessary to remedy the Supreme Court's divided decision in Ledbetter v. Goodyear, which struck a severe blow to the rights of working families across our country. The Ledbetter decision stripped back 40 years of progress to eliminate workplace discrimination.

In that case, Ms. Ledbetter worked for nearly 20 years as a manager at a Goodyear factory in Gadsden, AL. After decades of service, she learned through an anonymous note that her employer had been discriminating against her for years. She was the only woman among 16 employees at her management level, yet Ms. Ledbetter was paid between 15 and 40 percent less than all of her male colleagues, including several who had significantly less seniority. After filing a complaint with the Equal Employment Opportunity Commission, a Federal jury found that Ms. Ledbetter was owed almost $225,000 in back pay. However, five members of the Supreme Court overturned her jury verdict because she had filed her lawsuit more than 180 days after her employer's original discriminatory act. The Lilly Ledbetter Fair Pay Restoration Act restored victims' ability to file suit for pay discrimination and was among the first bills to be signed into law by President Obama. It is not surprising that yesterday the administration announced its strong support for the Paycheck Fairness Act. Congress should send this legislation to President Obama to be signed into law, without delay.

Wage discrimination affects women of every generation and every socioeconomic background. It is not limited to one line of work or level of education. The Paycheck Fairness Act is a step in securing that equal pay for equal work is more than just a slogan or an ideal but a reality for every American, regardless of gender, race, or any other factor that does not evaluate people on the basis of what they can offer and what they can contribute to the workforce. I urge all Senators to join in passing the Paycheck Fairness Act to ensure all of our daughters and granddaughters and future generations of Americans are not subject to the same injustice that has plagued women for decades.

Mr. INOUYE. Mr. President, above my desk in Washington is a copy of the labor contract that was signed by my grandfather, Asakichi Inouye, in July 1899. In the agreement, my grandfather would be paid $15 a month to work at the McBryde Sugar Company on the Island of Kauai. My grandmother, Moyo, would be paid $10 a month. Women like my grandmother were an important part of the workforce for Hawaii's sugar plantations, but they were paid less for doing the same type of work as men and did not receive the same advancement opportunities. While our Nation has made great strides in promoting gender equity since 1899, there is still more to do.

According to the Joint Economic Committee, women in Hawaii today earn 76 cents for every dollar paid to men. Over a 40-year career, a woman in Hawaii would earn $433,000 less than her male counterparts. Women represent 48 percent of my State's workforce and 41 percent of married women are their families' primary wage earner. Studies have shown that the gender wage gap affects women regardless of their educational level or occupational field. Eliminating the wage gap is not only a matter of fairness for equal pay for equal work; it is also one of economic security for middle-class families.

In a challenging economy, men are more likely than women to lose their jobs. This means that families across the country increasingly have had to rely on a woman's paycheck to make ends meet. For vulnerable families hard hit by unemployment, closing the wage gap would help put food on the table or pay the mortgage. Let us also remember that the wage gap undermines women's retirement security through reduced Social Security benefits.

S. 3220, the Paycheck Fairness Act, strengthens the foundations of the Equal Pay Act of 1963 and the Lilly Ledbetter Fair Pay Act of 2009. The Paycheck Fairness Act would provide for stronger enforcement of prohibitions against wage discrimination. It would also prohibit retaliation against workers who ask about pay practices or disclose their own pay. In short, the Paycheck Fairness Act would help women successfully fight for the equal pay they have earned.

In 1963, when Congress passed the Equal Pay Act, women earned 59 cents to every dollar earned by men. Today, women earn 77 cents to the dollar. At this rate, the wage gap would take more than 40 years to close. Women and their families cannot wait any longer. My vote today is not only to recognize and honor the work of women since my grandmother's generation, but it is also a vote for economic justice for future generations of young women like my granddaughter. I urge my colleagues to join me in supporting the Paycheck Fairness Act.

Mrs. FEINSTEIN. Mr. President, I rise today to stand in support of equal pay for equal work.

Forty-nine years ago, the Equal Pay Act was signed into law. Yet, gender-based wage discrimination remains a serious problem for women in the U.S. workplace and it has very real implications for their families.

Today we will vote on legislation that is a matter of basic justice and fairness. The Paycheck Fairness Act will update the Equal Pay Act by closing loopholes and strengthening incentives to prevent pay discrimination by employers.

Without a doubt, the Equal Pay Act has helped women achieve significant progress in the workplace. However, the gender pay gap remains just as real today as it was almost 50 years ago.

It is true: Although women make up about half of today's workforce, women still earn only about 77 percent of what men earn. That's wrong.

Women in the workplace, the women who head households or earn the only paycheck in a family—the women in the trenches of this economy—know this fundamental truth:

The gender wage gap exists—it is not a myth.

It has implications for families and our economy.

It has been with us too long and we have a chance and obligation to fix it.

I have heard lots of stories about paycheck disparities in California. I know my colleagues have heard similar stories from women in their states.

In-depth studies reveal the existence of gender pay disparities, regardless of age, occupation, education or marital status.

According to the National Partnership for Women & Families, the pay gap has been narrowing by one-half of a cent every year since 1963.

This means, without Congressional action, women will not achieve pay parity with men until the year 2056.

Let me share a story about a woman from Sylmar, CA who worked at a local retail store. She wrote me a letter and said:

> I know firsthand about unequal pay for equal jobs. I worked with two male associates, all doing the same job. I was hired at 25 cents more an hour than the two males because I had more job experience.
>
> Less than six months later, I learned that one of the males had received a 'merit raise' which put his hourly rate higher than mine. He had been absent many times.
>
> When I asked for a merit raise, based on no absences, good customer comments and always going above and beyond in my job, I was told by male management: ''You don't deserve a merit raise.''

The discrimination was obvious.

In California, there are 5.3 million children—2.6 million households—wholly or partially dependent on a mother's earnings.

According to recent census estimates, in California, the average pay for a woman working full time, year round is $41,302 per year, while the average for a man is $49,453.

This means that women are paid 84 cents for every dollar paid to men.

Put another way, this amounts to a yearly gap of $8,151 between full-time working men and women in the State.

The figures are even worse for women of color. African American women earned about 62 cents and Latinas only 57 cents for every $1 earned by a male.

As a group, full-time working women in California lose approximately $36 billion each year due to the wage gap.

According to the National Partnership for Women and Families, if the wage gap were eliminated, a working woman in California would have enough money for approximately 62 more weeks of food, four more months of mortgage and utilities payments, seven more months of rent, 25 more months of family health insurance premiums or 1,914 additional gallons of gas.

Equal pay in not only a women's issue—millions of families rely on a woman's paycheck for its family's earnings.

Women are critical to driving this economy. So ensuring equal pay for equal work benefits the entire economy.

When women earn less than men, fewer dollars are available to go back into the economy as consumer spending.

As we emerge from one of the worst recessions in history, the Paycheck Fairness Act would ensure that American women and their families aren't bringing home smaller paychecks because of discrimination. Let's pass this commonsense bill and move one step closer to paycheck fairness.

Mr. KERRY. Mr. President, at a time when families across America are struggling to make ends meet, equal pay for equal work isn't just a women's issue, it is a family issue. As the father of two daughters, I also see it as a fairness issue. I am an original cosponsor of the Paycheck Fairness Act because all of our daughters deserve the right to be compensated and valued fairly. This bill would take strong action to address the gender pay gap by helping women successfully fight for the equal pay they earn.

This bill would address the pay gap by enhancing enforcement of equal pay laws. Specifically, it would prohibit retaliation against workers who ask about or discuss wage information, and would provide more effective remedies for women subjected to discriminatory pay practices. It also requires the Equal Employment Opportunity Commission to collect pay data to enable better enforcement of laws prohibiting pay discrimination.

Across the Nation, women continue to earn substantially less than men for performing the same work. Women earn only 77 cents for every $1 men earn, with women of color at an even greater disadvantage with 64 cents on the dollar for African-American women and 56 cents for Hispanic women. As more and more American families rely on women's wages for a significant portion of their income, the pay gap hurts not only women, but the families that depend on them.

Today, in my home State of Massachusetts, women make up 49 percent of the state workforce and 31 percent of married employed mothers in Massachusetts are their families' primary wage earners.

Unfortunately, women in Massachusetts earn less across all occupations and educational levels. Research clearly demonstrates that regardless of occupation, education, industry, marital status, and other factors, pay for women lags behind their male counterparts. Women's median earnings are less than men's median earnings in almost every major occupation.

This burden of wage discrimination weighs heavily on the almost 1 million Massachusetts children in households dependent on their mothers' earnings. As the main breadwinners, women are asked to carry a greater economic load while only earning 81 cents for every $1 paid to men. Over their lifetimes, these Massachusetts women will earn $475,000 less than their male counterparts. This pay gap has harmed the families of roughly 1,576,000 women in the Massachusetts workforce, especially as the workforce participation rate of women has risen. On average, mothers in Massachusetts contribute to 37 percent of their family's earnings. Closing the gender pay gap would strengthen the finances of these families, and the State economy. If the wage gap is eliminated, these families would have additional earnings to purchase 83 more weeks of food or 5 months of mortgage payments or more than 2,500 additional gallons of gasoline.

I am disappointed and frustrated that the Senate failed to move ahead on this important legislation due to minority opposition. Republicans filibustered this commonsense legislation that would ensure fair pay for equal work—and then not a single Republican Senator voted in favor of moving it forward. It is incomprehensible to me that Members who claim to want to strengthen the economy and provide jobs for everyone would vote to ignore half of our population. Economic security should be for all Americans and legislation ensuring a level playing field just makes sense. Eliminating the pay gap will make Massachusetts families and families across the Nation more secure.

Mr. LEVIN. Mr. President, today the Senate is once again attempting to move forward with the Paycheck Fairness Act. This legislation would strengthen and modernize the Equal Pay Act of 1963 by providing new tools to combat gender-based wage discrimination. Among other things, this bill would require employers to demonstrate that wage differences between genders for comparable work are due to business decisions, and not gender. It also would prohibit employers from retaliating against employees who inquire about wage practices or share salary information with their colleagues. And it would strengthen penalties for equal pay violations.

Closing the gender pay gap is always an important and worthwhile goal, but this is the case especially in the current tough economic climate where it is increasingly common for women to be the primary or even sole bread winner in a family. For example, in Michigan, over a third of families with dependent children rely on a working mother's salary for their primary income. This represents the families of over half a million children. And here is the important part—while the averages have varied, current figures indicate that women still only make 77 cents for every dollar made by their male counterparts.

These are prolonged, tough, economic times, and there is no justifiable reason for the U.S. Senate not to do everything in its power to support policies that can help women in this country support themselves and their families by ensuring they are being paid the same wage as their male counterparts for comparable work. This is not just an issue of gender equality; it is one of economic equality and fairness. It is deeply discouraging for our Republican colleagues to be filibustering this measure.

Mr. ENZI. Mr. President, when the Senate rejected this legislation 20 months ago in a bipartisan vote it did so for the right reasons. The fact is, discriminatory pay practices are already illegal, and properly so. Congress has put two laws on the books to combat such discrimination—Title VII of the Civil Rights Act of 1964 and the Equal Pay Act of 1963. These are both

good laws that have been well-utilized to combat discrimination where it exists, and I support full enforcement of those laws. When a female or male employee is being paid less simply because of gender it must be corrected and penalized. According to the Equal Employment Opportunity Commission, EEOC, employees received more than $150 million through successfully-resolved Title VII and EPA discrimination claims last year, the largest amount awarded in 15 years.

I am confident that there is no member of this Senate who would tolerate paying a woman less for the same work simply because she is a woman. As husbands, fathers and mothers of working women, I believe we all recognize the gross inequity of discrimination in pay based on gender. But what the majority is trying to push through here today is of a very different nature. The so-called Paycheck Fairness Act is misnamed. It should actually be called a Profiteering Trial Lawyers Bonanza bill. The primary beneficiary of this legislation will be trial lawyers. They will be able to bring bigger class action lawsuits without even getting the consent of plaintiffs, and they will have the weapon of ''uncapped damages'' to force employers to settle lawsuits even when they know they have done nothing wrong. The litigation bonanza this bill would create would extend even to the smallest of small businesses, only further hampering the lagging economic recovery.

With unemployment trending back up to 8.2 percent, this is simply not a chance we can afford to take. When the Senate last rejected this bill, unemployment had been above 8% for 20 months. Now, it has doubled to 40 months, and it is trending higher. If we include the significant numbers of people that have simply dropped out of the workforce, the unemployment rate is over 14 percent. The United States is in very dangerous territory right now. This is not the time to pass this harmful legislation.

There are a number of other concerning provisions of this bill, such as authorizing the government to require reporting of every employer's wage data by sex, race and national origin. Had this bill gone through committee mark up under regular Senate order, we may have been able to address some of these concerns. But this bill, like so many others this Congress, has circumvented regular order.

The Senate rejected this identical bill on a bipartisan basis 20 months ago because it will insert the Federal Government into workplace management decisions like never before. This intrusion will benefit trial lawyers and harm job growth and employment, which will affect both women and men.

Supporters of the bill cite wage data that the Bureau of Labor Statistics itself says ''do not control for many factors that can be significant in explaining earning differences.'' In fact, studies show that if you factor in observable choices such as part-time work, seniority and occupational choice, the pay gap stands between 5 to 7 percent. Some of these choices are simply personal prerogative, and I would not question the choices that anyone makes with regard to family obligations, job security and the quality of fringe benefits such as health, retirement and childcare. But to a large extent this remaining gap is due to occupational choice. It is unfortunate that this Congress has not done more to foster a job growth environment and improve job training programs like the Workforce Investment Act that could prepare more women to enter higher earning occupational fields. Surely this would be a more reasonable solution than a trial lawyer bonanza sure to disadvantage all employers and depress job growth to the disadvantage of all employees.

I ask unanimous consent to have printed in the RECORD letters of opposition to S. 3220. I urge my colleagues to oppose this motion.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 24, 2012.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate, Washington, DC.

DEAR LEADERS REID AND MCCONNELL: The undersigned urge you and your colleagues to VOTE NO on cloture on the motion to proceed to the Paycheck Fairness Act (S. 3220). The vote is currently scheduled for June 5. Our organizations represent millions of employers who are committed to ensuring equal employment opportunities for men and women alike. While we have no tolerance for unlawful discrimination, we vigorously oppose S. 3220.

The Paycheck Fairness Act would impose unprecedented government control over how employees are paid at even the nation's smallest employers. This flawed legislation could outlaw many legitimate practices that employers currently use to set employee pay rates, even where there is no evidence of intentional discrimination. Common practices that a court could find unlawful under S. 3220 include providing premium pay for professional experience, education, shift differentials or hazardous work, as well as pay differentials based on local labor market rates or an organization's profitability. This level of government intervention in employee compensation is both unprecedented and unwarranted in the United States.

The provisions of the Paycheck Fairness Act would harm employers of all sizes, as the bill would apply to employers with as few as two employees. The threat the bill poses to small business is particularly troubling given the draconian penalties found in this legislation, which include unlimited damages regardless of whether a pay discrepancy was unintentional.

A number of federal laws already specifically protect employees from pay discrimination, including the Equal Pay Act, the Civil Rights Act and the Lilly Ledbetter Fair Pay Act. These laws prohibit pay disparities based on gender and provide robust remedies and damages to victims of pay discrimination. As The Washington Post editorial board stated in 2009, adding the Paycheck Fairness Act to these existing laws ''risks tilting the scales too far against employers and would remove, rather than restore, a sense of balance.'' In 2010, the Boston Globe wrote ''the measure as a whole is too broad'' and the Chicago Tribune described the bill as ''grossly intrusive.''

Once again, we urge all senators to oppose the Paycheck Fairness Act.

Sincerely,

American Bakers Association, American Bankers Association, American Hotel & Lodging Association, Associated Builders & Contractors, Inc., College and University Professional Association for Human Resources, Food Marketing Institute, HR Policy Association, International Public Management Association for Human Resources, National Association of Manufacturers, National Association of Wholesaler-Distributors, National Council of Chain Restaurants, National Council of Textile Organizations, National Federation of Independent Business, National Public Employer Labor Relations Association, National Restaurant Association, National Retail Federation, National Roofing Contractors Association, Printing Industries of America, Retail Industry Leaders Association, Small Business & Entrepreneurship Council, Society for Human Resource Management, U.S. Chamber of Commerce.

U.S. CHAMBER OF COMMERCE,
CONGRESSIONAL & PUBLIC AFFAIRS,
Washington, DC, June 4, 2012.

TO THE MEMBERS OF THE UNITED STATES SENATE: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, strongly opposes S. 3220, the ''Paycheck Fairness Act.'' The Chamber strongly supports equal employment opportunity and appropriate enforcement of the Equal Pay Act (EPA) and Title VII of the Civil Rights Act of 1964. However, this bill would, among other things, expand remedies under the EPA to include unlimited punitive and compensatory damages, significantly erode employer defenses for legitimate pay disparities, and imposes invalid tools for enforcement by the Labor Department.

The EPA, while allowing recovery for lost back pay, does not provide for compensatory and punitive damages, nor should it. The EPA is a strict liability statute in that there is no requirement that the employer intend to act unlawfully. It strains logic to mandate that damages conceived and designed to punish and deter wrongful conduct should apply to claims of inadvertent, unintentional conduct that has the effect of violating the EPA. If a plaintiff can demonstrate that a wage disparity is due to intentional discrimination, then he or she should bring a claim under Title VII of the Civil Rights Act of 1964, where punitive and compensatory damages (capped at certain levels) are available.

S. 3220 would also significantly erode the defenses available to employers under the EPA. For example, the bill would permit plaintiffs to challenge otherwise legitimate employer pay decisions by showing that some other employment practice might achieve the same business purpose without creating the disparity. Further, the employment decision in question must also be proven to be required by ''business necessity.'' These provisions would open up compensation and employment decisions to limitless review by courts and juries and would ultimately lead to an inefficient, cumbersome, and costly salary-setting process. In addition, the bill would modify existing rules concerning collective actions, making it easier for plaintiffs' attorneys to mount class action suits.

In addition, the bill would make a number of regulatory changes at the Labor Department related to equal employment opportunity requirements for federal contractors. Re-imposing the flawed Equal Opportunity Survey and requiring use of dubious statistical models for determining whether employers engage in systematic compensation discrimination, would do nothing to combat discrimination and instead would waste both enforcement and employer resources.

Litigation in employment discrimination has exploded since the inclusion of compensatory and punitive damages under Title VII, resulting in increased costs associated with attorneys' fees and employment investigations as employers must respond to each charge filed, whether frivolous or not. Further increasing the opportunity for frivolous litigation will only further serve to undermine our nation's civil rights laws.

The Chamber strongly opposes S. 3220 and urges you to vote against this legislation. The Chamber may consider including votes on, or in relation to, S. 3220—including on procedural votes and any motion to proceed—in our annual How They Voted scorecard.

Sincerely,

R. BRUCE JOSTEN.

NATIONAL RETAIL FEDERATION,
Washington, DC, May 31, 2012.

Hon. MICHAEL B. ENZI,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR ENZI: On behalf of the National Retail Federation, I am writing to urge you to oppose S. 3220, legislation that would greatly increase government involvement in pay decisions in businesses of all sizes and give trial lawyers an incentive to pursue unlimited litigation against American employers. Votes on S. 3220 will be considered a ''key vote'' by the National Retail Federation and the retail industry.

Retailers strongly oppose discrimination of all types. Sex discrimination in employment is no exception. Two federal laws protect employees from gender-based pay inequity: Title VII of the Civil Rights Act of 1964 and the Equal Pay Act of 1963. Both laws have broad coverage, prohibit intentional gender-based pay discrimination and impose liability on employers for gender-pay differences, even where there is no evidence of intentional discrimination if the employer fails to justify the pay discrepancies.

The pending legislation, S. 3220, would dramatically expand the Equal Pay Act to allow workers who claim they are the victims of gender-based wage discrimination to sue for unlimited compensatory and punitive damages. Moreover, its provisions would allow business owners to be sued if wage differentials exist due to local market rates, revenue production, or profitability. As a result, S. 3220 could effectively block retailers from considering issues such as store location and local economic conditions in setting wage rates.

Furthermore, the bill expedites class action lawsuits by requiring employees to ''opt-out'' of the class, effectively using size to force settlements against the Main Street businesses that will become its target. The legislation would also direct the Equal Employment Opportunity Commission (EEOC) to collect employee pay and compensation data from covered employers. Nothing in the bill would prevent this data from being publicly disclosed by the EEOC or made available through a Freedom of Information Act request.

Again, the National Retail Federation strongly urges you to oppose S. 3220, and we will consider a vote on this legislation a key vote for the retail industry.

Sincerely,

DAVID FRENCH,
Senior Vice President, Government Relations.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:37 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

PAYCHECK FAIRNESS ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Under the previous order, the time until 2:30 will be equally divided, with the minority controlling the first half.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, we are coming to a very critical vote. Today we have the opportunity to address an issue that affects the bottom line of nearly every American family. The paychecks that American women take home at the end of each week or each month are as tied to our economic health as just about anything else. It is what helps sustain local businesses. It is what pays grocery bills at the end of the month. It makes mortgage payments. Ultimately, the pay women receive as we continue to make up a larger and larger part of our workforce is going to be critical to the growth of this Nation. Yet over the course of the past week, as we have debated this bill in the Senate and across the country, we have been met by either silence or resistance from those on the other side of the aisle. Time and again we have heard the same excuses on why we cannot join together to provide the guaranteed fairness women deserve.

First, we heard this was a ''manufactured issue.'' Mr. President, if you talk to American women all across our country, you will quickly learn what some of my colleagues have called ''manufactured'' is an all-too-real part of everyday American women's lives. Women will tell you that at a time when families across America are struggling to make ends meet, equal pay for equal work should not be a pipe dream; it should be law. They will tell you that nearly 50 years after the Equal Pay Act was signed, the pay gap between what men and women earn is just as real today as it was back then. They will tell you women still earn 77 cents for every dollar earned by men. They will tell you this gap undermines their retirement security because they receive reduced Social Security benefits. Then, most importantly, they will tell you women are not worth less than men.

The other argument we have heard is that this critical vote is in some way a distraction from the economic issues we face, as if somehow the pay of women—who compromise nearly half of all American workers—is not at its very core an economic issue. Let me be very clear. When women are not paid what they deserve, middle-class families, communities, and our economic growth pay the price.

Let's consider that in my home State of Washington where women still earn 77 cents on the dollar—or a pay gap that averages over $11,000 in lost earnings every year—for the average family that is an extra 90 weeks of groceries, it is 7 months of mortgage payments or it is 179 tanks of gasoline—all at a time when women are participating in the workforce at higher rates than ever before.

Surely, my friends and colleagues on the other side of the aisle realize this is not the time to be denying American families this extra income they need to make ends meet. Surely, we should be guaranteeing American women and their families the fairness they deserve. This should not be a partisan issue. Throughout the history of the Senate, we have joined together to root out discriminatory practices and provide the protections American workers deserve. Today, as American families struggle, it is time to make sure unfair practices are not contributing to those struggles.

Today we have an opportunity to close loopholes in the system that allows for pay discrimination, to create strong incentives for employers to obey the laws that are in place, and to strengthen Federal outreach and enforcement efforts on behalf of women.

Today we all have an opportunity to say the status quo is not good enough. We have the opportunity to tell our daughters we are not going to let another generation face a pay gap because we are unwilling to stand and fight. We have the chance to improve our economy right now. So to those of my colleagues who claim to be so concerned about the economy and the struggles of the middle class, now is your chance to prove to your constituents you mean what you say. Now is the chance to provide nearly half of all Americans with the economic fairness they deserve. Now is the time to guarantee American women equal pay for equal work.

I yield the floor and yield back the remainder of our time.

The PRESIDING OFFICER. The clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the