CONGRESSIONAL RECORD — HOUSE

March 27, 2019

Mr. SCOTT of Virginia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous matter.

PAYCHECK FAIRNESS ACT

GENERAL LEAVE

Mr. SCOTT of Virginia, Madam Speaker. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous matter.

Mr. SCOTT of Virginia. Madam Speaker, I ask unanimous consent that the bill be considered read the first time.

The Chair appoints the gentleman from Connecticut (Ms. Foxx) and the gentlewoman from Virginia (Ms. Norton) to preside over the Committee of the Whole.

The Chair appoints the gentlewoman from the District of Columbia (Ms. Norton) to preside over the Committee of the Whole.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 7) 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.

Ms. Norton in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Virginia (Mr. SCOTT) and the gentlewoman from North Carolina (Ms. Foxx) each will control 30 minutes.

The CHAIR recognizes the gentleman from Virginia.

Mr. SCOTT of Virginia. Madam Chair, I yield myself such time as I may consume.

Madam Chair, I thank the gentlewoman from Connecticut for her decades of leadership fighting for working women.

In 1963, the Equal Pay Act codified the right to "equal pay for equal work regardless of sex." In fact, the Equal Pay Act was enacted 1 year prior to the Civil Rights Act of 1964 that, for the first time, provided for the enforcement of antidiscrimination laws. Over the past 55 years, the Equal Pay Act, in combination with Title VII of the Civil Rights Act, has substantially progressed toward addressing inequities for women in the workplace.

Yet, loopholes and insufficient enforcement have allowed gender-based wage discrimination to persist. Today, women earn 80 cents on the dollar compared to white men in similar jobs. The wage gap is even worse for women of color. It exists in every sector, regardless of education, experience, occupation, industry, or job title.

Drawn out over a lifetime, the persistent wage gap could cost a woman anywhere from $400,000 to $2 million. For many, this is the difference between financial stability and poverty. In fact, we know that achieving pay equity would actually cut the poverty rate for working women more than 50 percent.

That is why we are considering this historic legislation today. After decades of failing to address persistent wage inequities, the Paycheck Fairness Act is our opportunity to strengthen the Equal Pay Act, bolster the rights of working women, lift families out of poverty, and, finally, align our remedies for gender discrimination with other established antidiscrimination laws by eliminating caps on damages when employers act with malice or reckless indifference, consistent with the laws governing discrimination based on race or national origin, treatment consistent with Title VII of the Civil Rights Act, and restricting an employer's inquiry and reliance on a prospective employee's previous salary. This is consistent with the Americans with Disabilities Act, the Genetic Information Non-Discrimination Act, and similar restrictions regarding an applicant's marital or pregnancy status.

As chair of the House Committee on Education and Labor, I urge my colleagues to join me in casting a vote for fairness in the Paycheck Fairness Act and making equal pay for equal work a reality for working women across this country.

Madam Chair, I reserve the balance of my time.

Ms. Foxx of North Carolina. Madam Chair, I yield myself such time as I may consume.

Madam Chair, my friend, the chairman, is a diligent and thoughtful colleague, and I believe his heart is in the right place.

Everyone in this House is in agreement that pay discrimination on the basis of sex is wrong, no matter how you look at it. The law is very clear about this. But this bill doesn't do anything to help working women. This is a bill for trial lawyers, plain and simple. That is what shows a fundamental difference in outlook and principle. Democrats want women to sue their bosses; Republicans want women to become the bosses.

Republicans have favored strong economic policies that will empower and enable women to keep driving the economy forward and build the lives they want for their daughters and for the next generation. Women, they don't have the luxury of looking for ways to line the pockets of trial lawyers, we stand with working women.

I am proud, Madam Chair, to yield 5 minutes to the gentlewoman from Wyoming (Ms. Cheney), one of the hardest working women I know.

Ms. Cheney. Madam Chair, I would like to start by thanking my dear friend and colleague, Ms. Foxx, the Republican leader of the House Education and Labor Committee, for her tremendous work and leadership on behalf of all American women and families.

Madam Chair, I rise today in strong opposition to H.R. 7, the so-called Paycheck Fairness Act. This should be called the "Pay the Trial Lawyers Act."

Madam Chair, my State of Wyoming launched the fight for women's equality and rights when we became the first jurisdiction in the world to grant women the right to vote 150 years ago. Here in this Chamber, 100 years ago, the House agreed that women should have the right to vote on a national basis. Leaders of the women's suffrage movement were fighting on behalf of women's rights. They were not fighting to provide greater payouts to trial lawyers. We should honor those women, and the generations of women who came after them, by defeating this sham bill.

The bills of my Democratic colleagues have put on the floor today offers no new protections for women in the workplace. It paints job creators, many of whom in the Trump economy are increasing women, as evil. Republicans know that economic policies that generate growth, create jobs, and increase wages benefit women and men. Our policies empower women and facilitate the success of women-owned businesses, which account for roughly 9 million jobs and $1.7 trillion in revenue.

Madam Chair, today's bill is just the latest example of the misguided and damaging policies Democrats in this
body are attempting to pursue. They claim to be “for the people,” but in the nearly 3 months that they have been in charge, they have embraced socialism; they have enabled anti-Semitism; they have passed legislation that violates the First Amendment and the Second Amendment; and they have repeatedly refused to take steps necessary to protect the lives of babies after those babies are born.

Now, Madam Chair, they are telling us they are fighting for women when really they are simply fighting for trial lawyers. We have seen this movie before. The Democrats are not really for the people. They are for the government and for the special interest groups that support them. The American people know better, and we deserve better.

Madam Chair, I urge a “no” vote on this bill, and I call on my Democratic colleagues to come together with us, to work so that we can actually make real progress for America’s women and their families.

Mr. SCOTT of Virginia. Madam Chair, I yield 5 minutes to the gentlewoman from Connecticut (Ms. DeLAURO), the sponsor of the bill.

Ms. DeLAURO. Madam Chair, I rise in support of H.R. 7, the Paycheck Fairness Act.

It is a historic day on the House of Representatives floor, and we are going to pass paycheck fairness, equal pay for equal work, in this United States of America.

Madam Chair, I thank the chairman of the Education and Labor Committee for getting this bill through the committee and onto the floor today. We have waited 8 years to be able to vote on this issue.

The United States Congress has a rich history of making a difference in the lives of the American people: Social Security, the Fair Labor Standards Act, the GI Bill, Medicare, and the Affordable Care Act, to name but a few. Today we can make a difference for working women and their families.

Today, we can address the biggest economic challenge of our time, that Americans are in jobs that do not pay them enough to live on. We can address their economic struggle. And, yes, this is a bill that the majority is passing today to address that economic need for families.

I cannot tell you how difficult it has been to break through on something so simple. Women in the same job deserve the same pay. But now, the issue and the environment have collided. Equal pay is at the center of our public discourse, and paycheck fairness is ready for passage today.

A bipartisan, broad-based coalition supported by every member of the Democratic Caucus, the Paycheck Fairness Act toughens remedies in the Equal Pay Act of 1963 to give America’s working women the opportunity to fight wage discrimination and to receive the paycheck that they have earned.

Under existing law, damages are too insubstantial to provide women with full restitution or provide bad-acting companies a meaningful deterrent.

Paycheck fairness puts gender-based discrimination sanctions on equal footing with other forms of wage discrimination by allowing women to sue for compensatory and punitive damages. It better protects women from being fired for sharing their salary with coworkers. It establishes a grant program to provide salary negotiation training for girls and for women. It ensures that employers are not reliant on wages history when they hire an employee.

Over 60 years ago, after Republican President Dwight Eisenhower called for equal pay legislation during his 1956 State of the Union Address on the floor of this House, and more than 55 years after President Kennedy signed the Equal Pay Act, pay discrimination is very much still a reality in our country. In 2017, there were almost 26,000 charges of unlawful, sex-based pay discrimination filed with the U.S. Equal Employment Opportunity Commission and 996 Equal Pay Act charges.

The CHAIR. The time of the gentlewoman has expired.

Mr. SCOTT of Virginia. Madam Chair, I yield an additional 1 minute to the gentlewoman from Connecticut.

Ms. DeLAURO. Women continue to earn 20 percent less than men, on average, according to Census data. Women earn less regardless of the choices they make in their career or education. Across industries, whether you are a financial manager, a nurse, a schoolteacher, or an executive, a pay gap exists between men and women.

Ten years ago, we passed the Lilly Ledbetter Fair Pay Act. It reopened the courtroom door but did not address the underlying issue at hand today.

We have an opportunity to pass the Paycheck Fairness Act. It is a matter of right and wrong. Discrimination is unacceptable, and we are all diminished when we fall short.

President Kennedy said, when he signed the Equal Pay Act, that this would “add to our laws another structure basic to democracy” and “affirm our determination that when women enter the labor force, they will find equality in their pay envelope.”

We can do this today on the floor of this House. I urge my colleagues on both sides of the aisle to vote for the Paycheck Fairness Act and make sure that we guarantee equal pay for equal work.

Ms. FOXX of North Carolina. Madam Chair, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI), the Speaker of the House of Representatives.

Ms. PELOSI. Madam Chair, I thank the gentleman for yielding. I thank him for making today possible.

Mr. SCOTT of Virginia. Madam Chair, I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Madam Chair, I thank the gentleman for yielding. I thank him also for his extraordinary leadership in matters that relate to the education of the American people, employment preparedness, fairness in our workforce, and, of course, today.

Madam Chair, I thank the chairman for giving us this opportunity on this day of the House of Representatives. This is a day that God has made. Let us rejoice and be glad. And let us make the most of it in a very joyous way. It is a day of celebration.

Madam Chair, the gentleman, Bubby SCOTT, has been a supporter of this initiative for a long time, and I thank him for making today possible.

And it happens on a day when we are honored to have, in the Speaker’s chair, Congresswoman ELEANOR Holmes Norton, a champion to end discrimination in every way in our country, including discrimination in the paycheck.
Madam Chair, today I rise in support of the Paycheck Fairness Act. It reaffirms our Nation’s sacred promise that equal pay deserves equal work.

I do so in saluting Congresswoman Rosa DeLauro, Madam Chair, the guardian angel of this legislation and the godmother of many initiatives in this House to support progress for America’s working families.

The ability to balance work, to balance work and home is a challenge that many families, men and women alike, but Rosa DeLauro has been a constant champion for America’s working families.

While we are talking today about equality in the paycheck, she has also been a champion for paid sick leave and affordable childcare. The list goes on and on. Madam Chair, I thank the gentlewoman—guardian angel, godmother—for making today possible.

I am very excited about this. It is historic, it should happen at a time when we have over 100 women serving in the House of Representatives, and it should happen in the same Congress that we will also observe the 100th anniversary of the passing of the amendment to have women have the right to vote.

It is all very historic. It is all about progress, and that progress on this bill began in this Congress 2 months ago. House Democrats stood with Lilly Ledbetter for the 10th anniversary of President Obama signing the Lilly Ledbetter Act, exactly 10 years ago, signing that Fair Pay bill into law.

It was a magnificent achievement, it too, being led by George Miller, the chair of the committee Mr. Scott now chairs, Rosa DeLauro, of course, played a hand in that.

The gentlewoman from Connecticut (Ms. DeLauro) then introduced the equal pay bill, and then we passed it in the House. It didn’t pass the Senate—60 votes needed in the Senate—but she has persisted, and we are fortunate for that.

We are grateful to her and to Lilly Ledbetter and the groups, so many outside groups that have worked so hard to mobilize and make this difference—and affordable childcare.

Some of them include the American Association of University Women, the National Women’s Law Center, National Partnership for Women and Families, National Organization for Women, National Women’s Political Caucus, MomsRising, UltraViolet, Center for Law and Social Policy, the Leadership Conference on Civil and Human Rights, NAACP, League of Women Voters, U.S. Women’s Chamber of Commerce, the list goes on and on, the Anti-Defamation League, the American Psychological Association, and many more—because that outside mobilization will be important in passing this legislation and turning it into law, into an improvement in the lives of America’s workers.

Now we are proud to pass this bill before Equal Pay Day, which is on April 2, next week—April Pay Day, which
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attorney’s fees for any judgment to 20 percent of the judgment. Sadly, this commonsense amendment was blocked by the Rules Committee.

Why don’t my colleagues want to join me in ensuring that money actually gets to victims of pay discrimination instead of simply padding the wallets of lawyers?

It is a real shame this amendment was not made in order. I think we can all agree that the idea of discriminating against someone based on sex is absolutely unacceptable, and it is inconsistent with the values we hold as Americans.

This issue is not partisan. In 1944, Republican Congresswoman Winifred Stanley introduced a precursor to the Equal Pay Act, which, since passing years later, has been the law of the land for the past 55 years.

The Equal Pay Act of 1963 specifically made it illegal to pay different wages to employees of the opposite sex for equal work. In addition, Title 7 of the Civil Rights Act made it illegal for employers to discriminate on the basis of race, color, national origin, religion, and sex.

Yet, as I said before, despite these protections on the books, there are bad actors who continue to practice pay discrimination. Based on laws existing for decades, it is unacceptable, and we must hold these bad actors accountable.

Unfortunately, the Paycheck Fairness Act, as written, fails to improve employment protections.

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We have a responsibility to the American people to craft strong policies that support women in the workplace, not merely offer weak lip service that, in fact, cripples employers and employees alike.

I ask my colleagues to join me in opposing this phony bill, and, instead, let’s work together in a bipartisan way to actually ensure women continue to thrive in the workforce.

Mr. SCOTT of Virginia. Madam Chair, I yield 5 minutes to the gentleman from Oregon (Ms. BONAMICI).

Ms. BONAMICI. Madam Chair, today women make up nearly half of our workforce. Sixty-four percent of mothers in the United States work outside the home. Many are the sole family wage earner. Their wages pay for rent, for groceries, for childcare, for healthcare. But even though it is 2019, too often, equal pay for equal work is not a reality.

On average, White women earn 80 cents on the dollar compared with White men in substantially equal jobs. The wage gap is even more pronounced for women of color in nearly every line of work, regardless of education, experience, occupation, industry, or job title.

This has severe and long-term consequences for the lives of working women, families, and for our economy. With the Equal Pay Act, title VII of the Civil Rights Act of 1964, and more recently, the Lilly Ledbetter Fair Pay Act, we have made some progress in reducing inequities for women in the workplace. But, unfortunately, loopholes and insufficient enforcement tools have allowed wage discrimination to persist.

For example, a lack of easily accessible data on hiring and wages has made it difficult to detect, let alone prevent, wage discrimination. And even when wage discrimination is discovered, it is often hard to find a job comparable to the job lost. It is quite common for prospective employers to use a prior higher salary level to disqualify an older applicant from consideration because they simply assume that the worker will require the same wage.

Yet, there are many reasons why an older worker might be willing to accept a lower salary, including better benefits or work hours; a more desirable job; or a career change; or simply desperation to find a new job. In these cases, the ability of the employer to ask about past salary history is critical to ensuring the Paycheck Fairness Act’s provision on salary history.

This vital law rectified the Supreme Court’s harmful decision in Ledbetter v. Goodyear Tire & Rubber Company. The law helps to ensure that individuals subjected to unlawful compensation discrimination are able to bring a case of ongoing pay discrimination regardless of when it began. Despite federal and state equal pay laws, gender pay gaps persist.

In January, we celebrated the 10th anniversary of the Lilly Ledbetter Fair Pay Act. This vital law rectified the Supreme Court’s harmful decision in Ledbetter v. Goodyear Tire & Rubber Company. The law helps to ensure that individuals subjected to unlawful compensation discrimination are able to bring a case of ongoing pay discrimination regardless of when it began. Despite the passage of the Equal Pay Act of 1963 and the Lilly Ledbetter Fair Pay Act, this law’s enactment only restored decades of prior law—yet it did not give women new tools to receive equal pay for equal work.

There is no more fitting way to mark this historic milestone than making real, concrete progress in ensuring all women receive fair pay. While the gap has narrowed since passage of the Equal Pay Act of 1963, pay progress has largely stalled in recent years. Data from the U.S. Census Bureau once again revealed that women working full-time, year-round are paid 80 cents for every dollar paid to men. The pay gaps have grown even wider for women of color. African American women and Latinas respectively receive $0.65 and $0.61 for every dollar as compared to non-Hispanic, white men. The overall pay gap has only decreased...
by a nickel during the 21st century and, unless action is taken, the pay gap between men’s and women’s earnings will not close until 2106. 

Research indicates that the gender pay gap develops very early in women’s careers. Controlling for factors known to affect earnings, such as education and training, marital status, and race and ethnicity, college-educated women still earn 7 percent less than men just one year out of college. Over time, the gap compounds and widens, impacting women’s social security and retirement. 

Ensuring that women have equal pay would have a significant impact on families and the economy. Many companies have already recognized the benefits and the power of women’s increased economic participation. A recent survey by the U.S. Women’s Chamber of Commerce and Main Street Alliance has endorsed the Paycheck Fairness Act. According to a 2017 report from Institute for Women’s Policy Research (IWPR), the poverty rate for all working women would be cut in half, falling from 8 percent to 3.8 percent, if women were paid the same as men. Another study by IWPR indicates that the U.S. economy would have produced an additional $512.6 billion in income if women had received equal pay. That is why I urge you to pass this important bill.

The Paycheck Fairness Act would update and strengthen the Equal Pay Act of 1963 to ensure it provides effective protection against sex-based pay discrimination in today’s workplace. The bill takes several important steps, including:

Ensuring Non-Retaliation: The bill prohibits retaliation against workers for discussing wages. Unlike the non-retaliation provisions of the Paycheck Fairness Act, many women will continue to be silenced in the workplace—that is, prohibited from talking about wages with coworkers due to the fear of being fired. This is an issue that women—like it was Lily Ledbetter—from learning of pay discrimination against them.

Prohibiting Use of Salary History: The bill prohibits employers from relying on salary history in determining future pay, so that prior salary discrimination doesn’t follow workers from job to job.

Ensuring Job-Relatedness: The bill closes loopholes that have weakened the Equal Pay Act over time by requiring that disparities in pay are justified by a business necessity that is related to the job.

Equalizing Remedies: The bill ensures women can receive the same robust remedies for sex-based pay discrimination that are currently available to those subjected to discrimination based on race and ethnicity.

Providing Additional Assistance and Resources: The bill also provides technical assistance to businesses, requires wage data collection, and supports salary negotiation skills training to give workers the tools to advocate for higher wages.

Providing a Small Business Exception: The Equal Pay Act and the Fair Labor Standards Act have an exemption for small businesses that generate less than $500,000 in annual revenues a year, and the Paycheck Fairness Act would keep that exemption intact. The bill would also support small businesses with technical assistance.

The pay gap is persistent and can only be addressed by those armed with the tools necessary to challenge discrimination against them, and employers are provided with effective incentives and technical assistance. The bill helps businesses win by giving you a clear step towards achieving pay equity by voting in support of the Paycheck Fairness Act and opposing harmful amendments when the bill comes to the House floor for a vote as soon as this week.

We urge you to stand with women and families and support the Paycheck Fairness Act (H.R. 7). Cosponsorship and votes associated with this bill and amendments may be scored in the AAUW Action Fund Congressional Voting Record for the 116th Congress.

Sincerely,

Deborah J. Vagins, Senior Vice President, Public Policy and Research

Ms. BONAMICI. Madam Chair, today, we have this opportunity. Let’s pass the Paycheck Fairness Act and make equal pay for equal work a reality.

Ms. FOXX of North Carolina. Madam Chair, I yield 5 minutes to the distinguished gentlewoman from New York (Ms. STEFANIK).

Ms. STEFANIK. Madam Chair, I thank my good friend, Ranking Member Foxx.

Madam Chair, there are nearly 75 million women working in the United States, the most in our Nation’s history. Thanks to our strong economy, nearly 3 million jobs were created in the last year, and of those jobs, 58 percent went to women.

Women are graduating from college at a higher rate than their male counterparts and are increasingly their family’s primary breadwinner. Despite all of these positive economic indicators, there remains evidence that in some cases women do not earn the same levels of compensation as men.

Republicans strongly support equal pay for equal work, and we owe it to women to constructively engage on this important issue and put forward solutions to strengthen existing law.

Democrats have put forth a bill that prioritizes trial attorneys and government regulation over women’s economic empowerment. The Democratic bill, for the first time, would require data disclosure to the EEOC that collects compensation data broken down by the sex, race, and national origin of employees, while also tracking the hiring, termination, and promotion data of those employees.

These intrusions into the operations of private businesses would add compliance costs exceeding $700 million per year. And on top of these onerous new requirements, H.R. 7 is a giveaway to trial attorneys by changing class action formation from opt in, to opt out.

And that will need to prepare for an onslaught of frivolous lawsuits which now will be open to unlimited compensatory and punitive damages.

The bill establishes an impossibly high burden on proof for employers defending the legitimacy of any pay differentials between employees. We need to recognize that in today’s modern economy, 40 percent of small businesses are run by women. This bill would make it harder for these women businesses to win, and should undergo a pay analysis to determine if they pay disparity should exist. By creating this environment of consistent self-reflection, we can further empower businesses to do what they already seek to do, doing right not only for their employees, but for the whole of America.

Madam Chair, I believe that an individual should be able to negotiate employment based upon their qualifications and merit for the position. I also believe that the victim of wage discrimination at any point in their career should not have to have this discrimination follow them to their next job and compound throughout the rest of their career.

That is why my bill protects the employment of women of color and suffers the same scrutiny during the job interview process unless they wish to voluntarily disclose it.

We must acknowledge the compounding impact of wage discrimination on a person’s career and be willing to discuss ideas to free employees from this burden.

At the same time, we cannot erode the necessary negotiation that takes place in a job interview or ignore the role wage figures can play in advancing an individual through their career.

The Wage Equity Act protects the ability for an employee and their perspective employer to have a wage expectation conversation, an important part of any negotiation.

My legislation protects an employee’s ability to discuss compensation with their colleagues, while giving the employers the ability to set reasonable limitations on the time, location, and manner of this activity to protect employees from harassment.

The CHAIR. The time of the gentlewoman has expired.
Ms. FOXX of North Carolina. Madam Chair, I yield an additional 1 minute to the gentlewoman from New York.

Ms. STEFANIK. Madam Chair, furthermore, the Wage Equity Act seeks to put women on equal footing with men in their careers.

The legislation provides for a grant program targeted toward women in college and career tech programs to provide negotiation skills education.

Last year, my bill directs the GAO to study the gender gap. We know that the wage gap greatly expands for women after they return to the workforce following parental leave. We must have a clear sense of the impact that leave during this time will have on an employee’s future earning and opportunity potentials.

These are commonsense proposals that are supported by Democrats and Republicans. I encourage my colleagues to reject Big Government overreach, and find practical, bipartisan solutions and strengthen the existing law of the land: equal pay for equal work.

Mr. SCOTT of Virginia, Madam Chair, I yield 2 minutes to the gentlewoman from North Carolina (Ms. ADAMS).

Ms. ADAMS. Madam Chair, I want to thank Chairman SCOTT for his leadership and Representative DeLAURO for bringing this bill to the floor. I rise today in strong support of the Paycheck Fairness Act because, like Fannie Lou Hamer and Representative D’ELAURO for the committee on Workforce Protections, I am sick and tired of paycheck inequity.

For three decades, from the North Carolina House to the United States Congress, I have been fighting to close the gender wage gap. As the new chair of the Education and Labor Subcommittee on Workforce Protections, I am very proud to support this bill. It takes the average woman an additional 91 days to earn what her male peers earned in 2018, and that is unacceptable.

In my district in North Carolina, women still only make about 82 cents for every dollar a man makes. It is even worse for women of color, who are even less likely to make as much as their male counterparts working the same job. Black women earn only 61 cents for every dollar a man makes; Hispanic women only 53 cents.

When we shortchange women, we shortchange our children, our families, and our economy. In fact, women are shortchanged $500 billion every year. Fifty-six years have passed since the Equal Pay Act was signed into law, and it has been 10 years since President Obama signed the Lilly Ledbetter Fair Pay Act.

Yet, our work remains unfinished. Today, the U.S. House of Representatives speaks loud and clear, and we will no longer wait while women continue to do the same work and not get the same pay. The time is up for that.

Madam Chair, I include in the RECORD a letter from AFSCME which states that the Paycheck Fairness Act is integral to ensuring women earn the same amount as men for equal work.


DEAR REPRESENTATIVE: On behalf of the members of the American Federation of State, County and Municipal Employees (AFSCME), I am writing in support of the “Paycheck Fairness Act” (H.R. 7). This legislation is integral to ensure that women earn the same amount as men for equal work.

To date, women make up almost 47 percent of the workforce in America. Their participation has increased since the 1970s, and they are completing college and university education at higher rates. The range of occupations women workers hold has also expanded since the Equal Pay Act. We will bolster the Equal Pay Act. We will strengthen the Equal Pay Act. We will strengthen the Equal Pay Act.

Furthermore, this partisan bill offers passage to alleviate gender-based wage discrimination, and ensures women receive equal pay for equal work.

Sincerely, SCOTT FREY, Director of Federal Government Affairs.

Ms. ADAMS. By passing the Paycheck Fairness Act, we will strengthen the Equal Pay Act. We will bolster the rights of working women, and finally, we will put an end to gender-based wage disparity.

Ms. FOXX of North Carolina. Madam Chair, before I recognize the next speaker, I include in the RECORD a chart which shows that pay discrimination exists not only in the workplace but also in the broader economy. And EOC have remained statistically consistent during the George W. Bush, Obama, and Trump administrations.

EEOC EQUAL PAY ACT STATISTICS

EEOC EQUAL PAY ACT (EPA) CHARGES FILED WITH EEOC (AVERAGE PER YEAR)


EEOC EPA CHARGERS RESOLVED* (AVERAGE PER YEAR)


* EEOC resolves charges in a number of different ways: negotiated settlement, withdrawal of charge upon receipt of desired benefits, successful conciliation, a finding of no reasonable cause, or closure for administrative reasons. LAWSUITS FILED BY EEOC WITH EPA CLAIMS (AVERAGE PER YEAR)

(Note: Numbers do not include private litigation.)


Ms. STEFANIK. Madam Chair, I yield 2 minutes to the gentlewoman from Georgia (Mr. ALLEN).

Mr. ALLEN. Madam Chair, I rise today to speak out against H.R. 7, legislation that places unprecedented restrictions and liability on job creators that will harm the very women it claims to protect.

As a small business owner with over 40 years of experience creating jobs, I know just how hard it can be for employers to find skilled and qualified workers.

With 7.6 million available jobs throughout our Nation, the last thing we need to do is overregulate our businesses, especially when Federal law already makes it illegal to pay different wages to women for equal work.

H.R. 7 dramatically increases liability for employers, eliminates a business owner’s ability to contest gender-based discrimination cases, expands damages, and encourages frivolous lawsuits.

Furthermore, this partisan bill offers no new protections against pay discrimination in the workplace. Rather, H.R. 7 directly benefits trial lawyers at the expense of working women. Taken as a whole, this bill will very likely limit or obstruct an employer’s efforts to recruit, hire, promote workers, and to increase their pay—once again, empty promises from my colleagues on the other side of the aisle.

However, after passing historic tax reform under the Republican-led Congress and eliminating burdensome red tape under the leadership of President Trump, our businesses are continuing to empower women across this country at unprecedented levels.

We have more women working in the U.S. than ever before, nearly 75 million. Women filled nearly 60 percent of the 2.6 million jobs created in the last year. One in five employer businesses nationwide is owned by women, including by my wife of 45 years, Robin. I need to keep this momentum going, not obstruct employers’ efforts to recruit, hire, and promote workers.
Madam Chair, I urge a “no” vote today on H.R. 7.

Mr. SCOTT of Virginia. Madam Chair, I yield 2 minutes to the gentlemen from Michigan (Mr. LEVIN). Mr. LEVIN of Michigan. Madam Chair, I urge my fellow members of the Committee on Education and Labor, I am so proud that our committee made it a top priority this year to bring the Paycheck Fairness Act to the floor, and I congratulate Chairman SCOTT for his leadership.

This is an issue where the evidence could not be clearer. In Michigan’s Ninth District, which I represent, for example, women’s median annual wage is more than $10,000 lower than men’s. I don’t care how many jobs are created or how many women are working, we need to do something to, at long last, make women’s pay equal to men’s.

If we allow this gap to persist, we are not just telling women they aren’t worth as much as men. We are doing real damage to entire families and to our economy. Failure to tackle the pay gap isn’t just discriminatory; it is shockingly shortsighted.

The Paycheck Fairness Act will finally bring the treatment of gender discrimination with other established antidiscrimination policies. This is an opportunity to realize equal pay for equal work that we simply cannot afford to miss.

I regret that my good friends across the aisle did not introduce a single bill to strengthen the Equal Pay Act across the 20 years they held the gavel in this Chamber. I hope they will join us today to lift up America’s women and families to full equality at long last.

Finally, I include in the RECORD a strong letter of support for H.R. 7 from the AFL-CIO.

DEAR REPRESENTATIVE: The AFL-CIO strongly urges your support of the Paycheck Fairness Act (H.R. 7) when it comes to the House floor this week.

The Paycheck Fairness Act is a long overdue remedial measure that responds to the demonstrated inadequacies of the 1963 Equal Pay Act. Although the Equal Pay Act made it illegal for employers to pay unequal wages to male and female employees who perform the same work, wage disparities between men and women persist in both the private and public sectors. At every educational level, across the country. Women working full time are paid only 80 cents for every dollar paid to men. We are doing real damage to women of color. While belonging to a union is the surest way to guarantee equal pay on the job—unionized women earn some 27 percent more than their non-union counterparts—the Paycheck Fairness Act would provide new effective tools to close the wage gap.

The Paycheck Fairness Act provides targeted remedies designed to update the 1963 Equal Pay Act. It requires employers to demonstrate that wage gaps between men and women depend on some work-related factor unrelated to sex. It prohibits employers’ use of prior salary history in setting pay for new hires and employer retaliation and discrimination against employees who consult with coworkers. Last, H.R. 7 brings Equal Pay Act remedies and class action procedures into conformance with those available for other civil rights claims, and strengthens the government’s ability to identify and remedy systematic wage discrimination by requiring employers to report pay data to the EEOC.

When women endure pay discrimination, entire families suffer. We urge you to support finally passing the Paycheck Fairness Act (S. 84), and to oppose any amendment that would weaken this important and long overdue legislation.

Sincerely,
WILLIAM SAMUEL,
Director, Government Affairs.

Mr. LEVIN of Michigan. Madam Chair, while I believe belonging to a union is the surest way to guarantee equal pay on the job, the Paycheck Fairness Act will provide effective new tools to close the wage gap.

Ms. FOXX of North Carolina. Madam Chair, I yield 3 minutes to the distinguished gentlewoman from West Virginia (Mrs. MILLER).

Mrs. MILLER. Madam Chair, I rise today to speak in opposition to H.R. 7, the Paycheck Fairness Act. I am a mother and a grandmother. I have raised two boys and one husband. I have owned businesses, managed employees, and served in the West Virginia State legislature, and herded buffalo. I don’t need any more men trying to tell me that they need to protect me from being paid less. I am perfectly capable of negotiating a fair wage for a fair day’s work and choosing exactly what is important to me when making my own decisions.

The bill proposed by my colleagues across the aisle tells young women entering the workforce that they are unable to negotiate for their own jobs or take control of their own life and that they need to be coddled by the government in order to succeed. What arrogance.

We are not some delicate and helpless group that needs men to tell us just how bad we have it and just how much they need to make sure that we are looked after. I can take care of myself, thank you, and so can every single woman in this country. This bill is nothing more than a trial lawyer’s dream and a job creator’s nightmare.

The Equal Pay Act already makes it illegal to pay unequal wages for equal work. The men can go try to find somebody else who needs their help. In the meantime, I am going to focus on actually creating good-paying jobs, by growing our economy, and by building a system that allows for flexible work schedules and nurtures entrepreneurship.

We can’t legislate respect any more than we can legislate common sense. Women know real respect is earned. We don’t need the men’s help, and we don’t need the government’s help. We just need them both to get out of our way.

I wholly oppose this legislation.

Ms. FOXX of North Carolina. Madam Chair, I yield 2 minutes to the gentlewoman from Florida (Ms. WILSON).

Ms. WILSON of Florida. Madam Chair, I rise in strong support of H.R. 7, the Paycheck Fairness Act. I thank Representative DELAUNO for her efforts in continuing to push this bill to fruition.

As chair of the HELP Subcommittee and as an African American woman, I am strong in my support of the value of pay fairness. Our Nation cannot adequately improve labor conditions without addressing the stark inequities that exist along gender and racial lines. The fact that, on average, women currently earn just 62 cents for every dollar a man earns for the same position and amount of work is just plain wrong and is a disgrace.

By passing the Paycheck Fairness Act and promoting wage parity, we can lift families out of poverty and keep harmful biases out of the workplace. There are too many poor working people in America working two and three jobs to keep their families whole. Research has shown that a woman’s level of education and work experience or chosen industry do not necessarily shield her from unfair pay. This problem is widespread and can be found across all sectors of the economy, affecting even the most prepared women. Women are hit extremely hard, as are women of color. There are two Americas, a rich and prosperous America and a poor and struggling America. Black and Latina women earn 61 cents and 53 cents, respectively, for every dollar earned by men who perform the same job—such a discrepancy, such a stark statistic, such a shame. The wage gap is too wide and narrowing much too slowly for Congress not to act.

I strongly support H.R. 7 as a positive step toward correcting this glaring injustice. I reiterate my strong support for H.R. 7, and I urge all my colleagues to vote “yes” for paycheck fairness.

Madam Chair, I include in the RECORD a letter of support from the National Education Association.

DEAR REPRESENTATIVE: On behalf of our three million members and the 50 million students they serve, we urge you to VOTE YES on the Paycheck Fairness Act of 2019 (H.R. 7). Votes associated with this issue may be included in NEA’s Report Card for the 116th Congress.

Equal pay for equal work is NOT today’s reality.

The U.S. Bureau of Labor Statistics reports that in 2017, the median weekly earnings of full-time, salaried female workers were 82 percent of those of full-time, salaried male workers.

According to AAUW, the pay gap is even bigger for women of color with African Americans earning 61 cents, American Indian/Alaskan natives 58 cents, and Latinas 53 cents for every dollar a man earns. The gender pay gap exists in all demographics, all parts of the country, and nearly all occupations—including some of the most demeaned professions like teaching and nursing.

The Institute for Women’s Policy Research reports that closing the pay gap would cut the poverty rate for working single mothers in half and lift 2.5 million children out of poverty.
Mr. SCOTT of Virginia. Madam Chair, I yield 2 minutes to the gentlewoman from Illinois (Ms. UNDERWOOD). Ms. UNDERWOOD. Madam Chair, let me be very clear: Equal pay for equal work has never been a reality for women everywhere.

Congress recognized this for the first time 56 years ago, before I was even born, when the Equal Pay Act was passed. This was a foundational piece of civil rights legislation. But a half century later, it is clear that the Equal Pay Act is not working for everyone, and it isn’t working fast enough.

In my district, for every dollar that men in Naperville or Batavia or McHenry make, women make 71 cents. That’s the worst pay gap in Illinois. It means we have to work 10 years longer to earn the same lifetime income. At this rate, every woman in America wouldn’t make equal pay for doing the same work for almost 200 years.

In my community in Illinois, the 14th Congressional District isn’t willing to wait that long, and neither are the House Democrats. That is why I am standing here today as a cosponsor and strong supporter of the Paycheck Fairness Act. This is a woman’s life, from childhood to retirement, where the gender pay gap doesn’t hurt her. The Paycheck Fairness Act would take huge, critical steps to fix that.

The Committee on Education and Labor held hearings on the act, and we heard from experts how this bill would do things like lift children out of poverty, contribute billions of dollars to America’s economy, and make sure women have a safer, healthier retirement.

Madam Chair, I include in the RECORD a letter signed by 315 State, local, and national organizations that support the Paycheck Fairness Act.

VOTE FOR THE PAYCHECK FAIRNESS ACT

March 25, 2019.

DEAR REPRESENTATIVE: As members of a broad coalition of organizations that promote economic opportunity for women and vigorous enforcement of antidiscrimination laws, we strongly urge you to vote for the Paycheck Fairness Act when it comes to the House floor for a vote. Despite federal and state equal pay laws, gender pay gaps persist.

The Paycheck Fairness Act offers a much-needed update to the Equal Pay Act of 1963 by providing new tools to battle the pervasive pay gaps and to challenge discrimination.

In January, we celebrated 118th Congress major accomplishments. First, an historic number of women were sworn into the 118th Congress, many of whom—along with their male colleagues—ran and won on issues central to the economic well-being of families. Second, on January 29, 2019, we commemorated the tenth anniversary of the enactment of the Lilly Ledbetter Fair Pay Act. This legislation offers a much-needed update to the Equal Employment Opportunity Commission (EEOC) data on salaries, promotions, and dismissals, broken down by race and gender.

Putting in place robust remedies for discrimination. For all of these reasons, we urge you to VOTE YES on H.R. 7.

Sincerely,

MARC EGAN.

Director of Government Relations.

Ms. FOXX of North Carolina. Madam Chair, I yield myself such time as I may consume.

Madam Chair, we have made it clear that we do not believe H.R. 7 is good for working women, but no one has to take our word for it. There are more working women today than ever before. Here is what many of the job creators who have helped make that a reality have to say about H.R. 7.

The H.R. Policy Association said: America should penalize legitimate, nondiscriminatory pay decisions; impose an unworkable burden of proof on employers that even The Washington Post has said “potentially invites too much intrusion and interference with core business decisions”; and add to the confusing labyrinth of State and local pay history laws.

The National Federation of Independent Business said:

H.R. 7 requires the Equal Employment Opportunity Commission to issue regulations providing for collection of employers’ compensation data. Most small business owners do not have a human resources department or a full-time staff member in charge of reporting and compliance. NFIB members report unreasonable government regulations as their second most important small business problem.

Americans for Tax Reform and the Center for Worker Freedom says: “Unfortunately, this bill would actually likely harm the women the Democrats are claiming to help. If signed into law, the legislation would likely lead to less flexible work schedules for women, fewer incentives for those who work hard, and lower pay for all.”

The National Taxpayers Union said:

Though well-intended, H.R. 7 would not solve any of the issues of pay discrimination, particularly when safeguards are already available under the Equal Pay and Fair Labor Standards Acts. Instead, under H.R. 7, women could be perceived as a legal liability, ultimately reducing employment opportunities. Rather than impose new regulations, this bill would impose the cost of discovering and killing jobs, Congress should remove barriers that limit prosperity for both men and women.

This bill, as my colleagues have said, is a sham, and it simply doesn’t do what it says it will do.

Madam Chair, I reserve the balance of my time.
work and leadership of Chairman SCOTT, Representative DELAURO, and committee staff on the issue of equal pay.

This is a bipartisan bill with support from both parties. I encourage my colleagues on both sides of the aisle to join me in supporting the Paycheck Fairness Act and take this important step toward ending gender-based discrimination at work.

Ms. FOXX of North Carolina. Madam Chair, I yield myself such time as I may consume.

Madam Chair, earlier, my colleagues presented some interesting numbers. The wage gap is a truly fascinating subject to study because there are statistics to show it is vast, and there are statistics to show, in many cases, it is virtually nonexistent.

We should note the numbers that really aren’t up for debate. There are more working women today than ever before, 74.3 million. A record 2.8 million new jobs were created in the past year, and nearly 60 percent of those jobs are now filled by women. There are more women owning businesses and employing Americans than ever before. That was no accident. Women are the direct beneficiaries of strong economic policy.

They need strong economic policy. They don’t want more ways to sue people. They want more freedom to work in the jobs they want.

We have more women, Madam Chair, not their lawyers.

Madam Chair, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Chair, I yield 2 minutes to the gentlewoman from Minnesota (Ms. OMAR).

Ms. OMAR. Madam Chair, I am honored to rise today to speak on H.R. 7, the Paycheck Fairness Act. I am proud to be part of a Congress that is finally taking action to close the gender pay gap. After nearly 40 years of inaction on this issue when our Republican colleagues were in the majority, I think it is fair to say that it is about time.

It is hard to imagine that, in this day and age, women could be paid less than a man for doing the same job. But it happens, and it happens often. Statistics show that pay disparity isn’t a thing of the past; it is happening today. It isn’t just holding women back; it is amplifying racial inequalities negatively.

We often hear the statistics that say women make 80 cents to every dollar that is paid to a man, but those figures are often worse for women of color. Black women are making only 61 cents on the dollar. For Latina women, that is 53 cents. For Native American women, it is 58 cents. Clearly, the pay gap is compounded by a racial gap.

It should be obvious to all of us that this problem extends beyond the workplace.

Madam Chair, you see the impact everywhere you look around our society. Women of color are less likely to have healthcare coverage. They are more likely to experience hunger. They are less likely to own a home or be fully prepared for retirement.

At the end of the day, those pennies on the dollar add up, and that loss of income is putting women of color at a serious disadvantage.

The Paycheck Fairness Act will take aggressive action to remedy these inequalities and tear down the economic barriers that women face. It will do that, in part, by ensuring the Equal Employment Opportunity Commission has the information it needs to detect pay discrimination and to identify those additional cross-section biases.

The CHAIR. The time of the gentlewoman has expired.

Mr. SCOTT of Virginia. Madam Chair, I yield the gentlewoman from Minnesota an additional 30 seconds.

Ms. OMAR. Madam Chair, I am proud to introduce an amendment with my colleague, Representative BEYER from Virginia, that will ensure that the major employers are required to report that information to that commission.

That will go a long way to finally ending the systemic barriers that women and women of color face in this country.

I thank Chair SCOTT and Chair DELAURO. I am really excited to be part of this change-making Congress.

I include in the Record a letter from the NAACP in support of this legislation.


Re: NAACP Strong support for the immediate passage of H.R. 7, the Paycheck Fairness Act. The Honorable House of Representatives, Washington, DC.

DEAR REPRESENTATIVE: On behalf of the NAACP, our more than 5 million membership, and most widely-recognized grassroots-based civil rights organization, I strongly urge you to support and vote in favor of H.R. 7, the Paycheck Fairness Act. This critical legislation would update and strengthen the Equal Pay Act of 1963, which mandated that employers pay equal wages to men and women who perform substantially the same work. The Paycheck Fairness Act closes loopholes in the Equal Pay Act which have diluted its effectiveness in combating unfair and unequal pay. While the Equal Pay Act has helped to narrow the wage gap between men and women in our workforce, significant disparities remain and must be addressed.

Especially in today’s economy more women work outside of the home and their paycheck is a necessary part of their household’s resources. Yet all too often women are forced to raise their families on incomes lower than that of male colleagues performing the same jobs. According to 2018 data, women in the United States are typically paid 80 cents on every dollar paid to men. The median annual pay for a woman who holds a full-time, year-round job is $41,977 while the median annual pay for a man who holds a full-time, year-round job is $52,146—a difference of $10,169 per year. The statistics are even worse for women of color. African-American women make only 61 cents, and Hispanic women make only 53 cents, for every dollar earned by white, non-Hispanic men. These gaps translate into a loss of almost $20,000 a year for African-American women and almost $28,500 annually for Hispanic women.

The Paycheck Fairness Act is a response, steady yet aggressive bill. It will help remedy this inequity and close this unacceptable gap. In short, the legislation will uphold women and families across America by: protecting against retaliation for discussing salaries with colleagues; prohibiting employers from screening job applicants based on their salary history; requiring salary history data from job applicants who file sex-based wage discrimination claims under the Equal Pay Act with the same remedies as are available to plaintiffs who file race- or ethnicity-based wage discrimination claims under the 1964 Civil Rights Act; removing obstacles in the Equal Pay Act to facilitate plaintiffs’ participation in class action lawsuits that challenge systemic pay discrimination; and creating a negotiation skills training program for women and girls.

I again urge you to see that this important legislation is enacted as quickly as possible so that women can begin to have some parity for a day’s work. This in turn will help hard-working American women, their children and their families gain the economic stability they deserve. Please support the Paycheck Fairness Act and work to eliminate this unacceptable gap in pay.

Sincerely,

HILARY O. SHELFORD, Director, NAACP Washington Bureau & Senior Vice President for Policy and Advocacy.

Ms. FOXX of North Carolina. Madam Chair, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Chair, I yield 2 minutes to the gentleman from Virginia (Mr. BEYER).

Mr. BEYER. Madam Chair, I am a businessman. I am also the father of three daughters.

I have had people and managed compensation plans for more than 40 years, and I know that we cannot manage what we do not measure. I agree with my friend, the Republican congresswoman from New York, that men and women should be paid equally for equal work. This should be a bedrock principle of our democracy.

But if we don’t gather the data, how will we ever know if there is paycheck fairness?

My middle daughter is a computer programmer—well paid. She was dismayed to learn around Christmastime that her male counterparts doing exactly the same work were making more money.

It is a fiction that this will be a burden on employers with more than 100 employees. Absolutely none of these employers have not digitized their paycheck process decades ago. The collection of this data requires a keystroke; that is all. All the data, already there, already gathered.

Pay transparency is the most powerful way to achieve paycheck fairness.
Men and women together are outraged when they see actual measured pay unfairness. But where incomes are most fair, where they are most transparent—in the military and in government—paycheck inequity is small or even nonexistent.

This is not a bill for lawyers. This is a bill for business owners and business managers who want to do the right thing and now will have the data to do that. This is much needed.

Ms. FOXX of North Carolina. Madam Chair, I continue to reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chair, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chair, I thank my friend for yielding.

I have left the chair, where I had been presiding, to speak on my bill, which is included in H.R. 7. My bill is Pay Equity for All, to bar an employer from asking about a person’s prior pay.

Mr. Chair, I want to thank all of you who have yielded to where we are today. I also am very much for the bill in which my bill is included, H.R. 7, which includes class actions, for example, the clarification for which has been needed.

Expanding this bill is personal for me. I was the first woman to chair the Equal Employment Opportunity Commission and enforce the Equal Pay Act, expanding it during my term at the commission.

I, therefore, am very grateful to my good friend ROSA DELAUR, a great champion of equal pay, for including my Pay Equity for All Act in this bill.

Mr. Speaker, many employers may not recognize that they are discriminating against women because they may not intentionally do so. But setting wages based on salary history is routinely done in the workplace, perhaps even by some in the Congress, and it reinforces the wage gap and may be the most important reason for the persistence of the wage gap that we have been unable to unlock.

What I mean is that historically disadvantaged groups—women and minorities in particular—often start their careers with unfair and artificially low wages compared to their White male counterparts. This then gets imbedded—this discrimination—and compounded throughout their careers, so they never catch up with their male counterparts.

Job offers ought to be based on an applicant’s skill and merit, not past salary or salary history.

My bill keeps an employer from asking applicants for their salary history or their salary in the last job during the interview process or as a condition of employment.

One study has shown, if you don’t ask this question, wages are set at 9 percent higher. Therefore, this bill is a very important component of bridging the wage gap.

Ms. FOXX of North Carolina. Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chair, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Chairman, I thank the gentleman for yielding, the chairman of the full committee, I acknowledge your leadership, and I indicate that, as all of us who have come to the floor, this is an enormously historic day.

For those of us who know the history of equal pay for women in America, this is a journey long in coming and continuing—first with the Equal Pay Act of some 50-plus years ago; then with the Lilly Ledbetter Act 10 years ago; and now with this historic legislation, the Paycheck Fairness Act, to make good on the idea that women should not be getting less than their male counterparts: African American women earning 61 percent, Latina women earning 53 percent, and Hawaiian and Pacific Islanders earning 62 percent versus White, non-Hispanic men.

The most important part of this legislation is the protection given to women today, requiring employers to prove that pay disparities exist for legitimate, bona fide reasons other than sex. It bans retaliation against workers who wish to discuss their wages. It removes obstacles in the Equal Pay Act to allow workers to participate in class-action lawsuits and improves the Department of Labor tools for enforcing the Equal Pay Act.

The CHAIR. The time of the gentlewoman has expired.

Mr. SCOTT of Virginia. Madam Chair, I yield the gentlewoman from Texas an additional 30 seconds.

Ms. JACKSON LEE. Madam Chairman, it is important to note that no one, as a woman, can ask you what your previous pay was—how denigrating that is—and use it as a basis to not pay you what you really deserve in this new position.

Also, women are heads of household; they deserve the ability to provide for their families.

Madam Chair, this is not a lawsuit bill. This is an opportunity bill. This is a fairness bill. This is the ability to go into court to receive justice. And, yes, as part of justice, class-action lawsuits can work.

I believe that the Paycheck Fairness Act should be passed, promptly going to the other body, and be signed by the President of the United States, because women, too, have the responsibilities to serve and provide for their family.

This is an historic piece of legislation. I thank ROSA DELAUR.

Ms. FOXX of North Carolina. Madam Chair, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Chair, I yield 2 minutes to the gentleman from New York (Mr. NADLER), the chair of the Committee on the Judiciary.

Mr. NADLER. Madam Chair, I thank the gentleman for yielding.

Madam Speaker, in 1963, when the Equal Pay Act was signed into law, women earned 59 cents on the dollar compared to men.

In the 56 years since, that gap has only closed by 21 cents. Women still make only 80 cents on the dollar compared to their male counterparts and earn less than men in nearly every single occupation.

The pay gap is even more extreme for women of color. Over the course of an entire career, that gap results in women losing millions of dollars in earnings compared to their male counterparts.

In today’s economy, in which women make up more than half of the workforce and are the sole or co-breadwinner in half of American families, that is simply unacceptable.

Being paid fairly for your work is a fundamental issue of fairness and freedom. Pay disparity can limit women’s career choices and their financial independence, but equal pay enables women to save for retirement, to build careers, to buy homes, and to support their families.

Today, I am proud to vote for the Paycheck Fairness Act. Legislation I have cosponsored in every Congress since legislation.

This legislation gets us closer, at last, to fulfilling the promise of equal pay for equal work and finally ensuring that women have the ability to fight back against wage discrimination and close the wage gap.

I wish to thank Chairman SCOTT for including language in this bill that mirrors legislation I introduced with Representative ELEANOR HOLMES NORTON to address how employers use salary history.

Many women and minorities start their careers with unfair and artificially low salaries compared to their White male counterparts. That discrepancy can be compounded from job to job, when employers rely heavily on salary history in compensation packages.

This change will help ensure that women’s pay is based on their merit and not on the past discrimination of other employers.

Madam Chair, I urge my colleagues to support this bill and to finish the work of closing the wage gap.

Ms. FOXX of North Carolina. Madam Chairman, I yield myself such time as I may consume.

Madam Chair, I have worked for most of my life. I entered the workforce as a young woman, not because I wanted to but because I had to. I knew the burden of poverty well. If I didn’t work to support myself, if I didn’t contribute to my family income, we would go hungry.

Well, I have been enormously blessed to have gone from working for survival to working for pleasure and, I hope, a greater purpose. I know there are millions of women of all ages in this country today who must work to survive, just as I did.

When I entered the workforce, equal pay for equal work—equal pay for
women—was a demand, but not yet the law. Today, it is the law. The Equal Pay Act and the Civil Rights Act are clear that pay discrimination is wrong, it is unacceptable, and it is illegal.

Managers who discriminate on the basis of sex are breaking at least two Federal laws, and they have no excuses.

No one should operate under the assumption that women have reached their full potential in the workplace.

Over the years, I have experienced sexism and misogyny. I have seen unfairness. I have seen also, remarkable advancement, and I have remained disappointed in many ways.

So, for the sake of all the working women I have known and know now, women who work because they choose to and women who work because they must, I looked for anything in this legislation worthy of their support. I found that this bill wasn’t written for their sake at all.

This bill is a cynical political ploy that borders on paternalism. There is not a single new or strengthened legal protection against pay discrimination for working women in H.R. 7.

This bill is entirely designed for trial lawyers, and Democrats must think women are too dumb to understand what they have done.

It is an insult to every woman everywhere that Democrats are passing this bill off as something good for them. This bill is like every other cheap product in drugstores and supermarkets across America that has been covered in pink packaging, marketed as the solution for working women who can’t make ends meet. It is a product women are too dumb to understand.

We know women are smarter than that. Democrats, who have assumed that women will always follow their agenda, realize they are running out of time and why, they have stooped to a stunt like H.R. 7.

Women in America are embracing their power and potential in ways they never have before. I am not talking about the record number of women in Congress. I am talking about the historic, groundbreaking number of women in the workforce.

More than half of the record number of new jobs created in the past year have gone to women. More women are stepping up to start and lead businesses, to be job creators themselves, than ever before.

Women need Representatives in Washington who will cheer for them, not their rich lawyers. If Democrats want to change a bill to make life easier for trial lawyers, that is their choice, but they should be honest about it and, for once, bypass the opportunity to talk down to hardworking women everywhere.

Pony the women who work today because they must. I am glad they have the legal protections I didn’t when I was in their shoes. It was women like them who paved the way for suffrage a century ago. It was women like them who made equal pay for equal work the law of the land, and it is women like them, today and tomorrow, who will continue to clarify, to sharpen, and to exemplify what ‘a more perfect Union’ was always supposed to look like. This House would bow their lead.

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

Mr. SCOTT of Virginia. Madam Chair, I would like to inquire how much time I have left.

The CHAIR. The gentleman has 2 minutes remaining.

Mr. SCOTT of Virginia. Madam Chair, I yield myself the balance of my time.

Madam Chair, I just want to make a couple of closing comments.

We have heard speaker after speaker complain that, if this bill passes, lawyers will get paid. Most lawyers, in fact, only get paid when they have a winning case; so if they want lawyers to stop getting paid, they could do this if we would stop discriminating.

The only way to enforce the laws against discrimination is to hire a lawyer and go to court, and that is when lawyers get paid. Stop the discrimination; stop the lawyers from getting paid.

There is also a suggestion that we ought to limit the amount of money that can be paid to lawyers. The fact is that no group supporting women supports that limitation because the limitation sometimes can be so low that you can’t hire a lawyer. It is only supported by groups supporting those representing people accused of discrimination.

It is also one-sided. There is no proposal to limit the amount of money that the guilty can pay their lawyers.

A comment was made about unlimited damages. The damages, in fact, in this bill are the same as you can get under race and religious discrimination, and the purpose of the bill is to conform the process for gender discrimination to the process for other forms of discrimination like race and religion.

The EEOC data, as my colleague from Virginia pointed out, is available, and if you do not report this data, you could have gross disparities. You could pay all the men one thing and all the women less, and until that is reported, nobody may know.

Madam Chair, there are pay gaps. Discrimination still exists, and this legislation is one step in closing that pay gap. We need to pass the legislation.

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

Ms. KAPTUR. Madam Chair, our Republican colleagues say the Paycheck Fairness Act is unnecessary, a boom for trial attorneys and a burden on employers, but once again the latest numbers tell a different story. American women continue to lag behind fair pay for equal work.

The latest numbers from the U.S. Census Bureau once again revealed that American women working full-time, year-round, are typically paid only 80 cents for every dollar paid to their male counterparts. The pay gaps are even more severe for women of color: 61 cents for African American women and 53 cents for Latina women.

Women take home less money than they have rightfully earned in every industry, no matter what they do, how high their level of education, or where they are from.

Not only is this a matter of basic equality, economic justice and freedom, it also compounds and is a serious issue impacting women’s retirement security.

The Paycheck Fairness Act provides a long-overdue remedy to the 1963 Equal Pay Act. It will give women the tools needed to successfully challenge pay discrimination and to incentivize employers to comply with the law.

I urge all my colleagues to support its passage.

Ms. JOHNSON of Texas. Madam Chair, I rise today to voice my support for H.R. 7, the Paycheck Fairness Act. The purpose of this legislation is simple: ensuring all women are rewarded with equal pay for equal work. The landmark Equal Pay Act of 1963 has helped us to achieve progress in this crucial policy area, but the Equal Pay Act, enacted over a half-century ago, is out of date and out of touch with today’s business world. The Paycheck Fairness Act is necessary and common-sense improvements to this historic law so that we can take another step toward eradicating gender-based wage discrimination.

Most importantly, this bill seeks to make equal pay a reality for women of color. Race and gender wage gaps harm not just the economic security of women but also of their families. A woman of color who works full time, year round, can lose more than $1 million in income over a 40-year career because of the wage gap. Currently, black women earn $0.60 for every dollar earned by their white male counterparts. Native American women earn $0.57 to every dollar, and Latina women earn $0.54.

Meanwhile, white women and Asian women earn $0.79 and $0.87, respectively. This wage gap has not improved for years and continues to squeeze women’s pocketbooks, erode their earning potential, and deprive them of the means to improve their own lives and support their families.

It is long past time to update the Equal Pay Act to give working women the legal tools they need to challenge sex-based pay discrimination and to encourage employers to comply with the law. The Paycheck Fairness Act sets forth a path toward achieving those goals.

I urge members of the House to pass this critical legislation.

Mr. SCOTT of Virginia. Madam Chair, I rise today in support of H.R. 7, the Paycheck Fairness Act—a modest, common-sense solution to the problem of pay inequity.

Equal pay for equal work is not only a core value of mine and others—and it’s the law. Full implementation of that principle, however, remains elusive.

The Paycheck Fairness Act, which was first introduced in 1997 and passed the House of Representatives with bipartisan support in 2009, is a serious initiative to achieve the noble goal of true equality.

Among its provisions, this legislation would:

Encourage businesses to rely on information about the market value of a position, industry standards, the duties of the job, and their
borders in order to set salaries, by prohibiting reliance on the prior salary history of prospective employees.

Allow workers to share their personal salary information free from retaliation, with common sense exceptions for FIR professionals.

Improve enforcement of the gender wage gap by instructing Department of Labor (DOL) to conduct studies and review available research and data to provide information on how to identify, correct, and eliminate illegal wage disparities.

Assist the DOL in uncovering wage discrimination by requiring the collection of wage data from federal contractors, and direct the Equal Employment Opportunity Commission (EEOC) to conduct a survey of available wage information and create a system of wage data collection.

Support small businesses with technical assistance by providing support to all businesses to help them with their equal pay practices.

Momentum has continued to build, with more than 260 diverse organizations signing a letter in support of the bill, including the U.S. Women’s Chamber of Commerce, which represents business associations and groups across the country, and the Main Street Alliance, a national network of small business owners.

Madam Chair, according to the National Partnership for Women and Families, if the disparity in median annual earnings for women and men working full-time, year-round were closed, women would have over $10,000 more in earnings each year. For millennial women, closing this gender wage gap could add up to more than $1,000,000 in lost income over a career.

This not only impacts these women immensely, but also directly impacts those with families. Over 62 percent of two-parent, married households with children, have both parents employed, which means these families would add $10,000 more to their family’s total earnings per year.

Madam Chair, this bill makes good economic sense. Companies are recognizing the benefits and the power of women’s increased economic participation, and some have already enacted policies similar to those outlined in the Paycheck Fairness Act. Companies like Staples and Amazon have ended inquiries into job applicants’ salary histories to avoid importing prior pay discrimination into their wage setting process. These moves are directly aligned with the Paycheck Fairness Act’s provision banning reliance on salary history in determining future pay, so that prior pay discrimination doesn’t follow workers from job to job.

We have also seen a movement, spearheaded by investors, to motivate companies to disclose their pay data. After a gender pay shareholder proposal from the investment management firm Arjuna Capital, Citigroup’s shareholder proposal from the investment management firm Arjuna Capital, Citigroup, and more comprehensive management firm Arjuna Capital, Citigroup, and another, more comprehensive

ensuring that companies receiving Federal contracts comply with anti-discrimination affirmative action requirements of Executive Order 11246 (relating to equal employment opportunity);

(C) disseminating information about women’s risk in the workplace;

(D) helping women who have been victims of pay discrimination obtain a remedy; and

(E) investigating and prosecuting systemic gender based pay discrimination involving government contractors.

The Equal Employment Opportunity Commission is the primary enforcement agency for claims made under the Equal Pay Act of 1963, and issues regulations and guidance on appropriate interpretations of the law.

The Department of Labor and the Equal Employment Opportunity Commission carry out functions to help ensure that women receive equal pay for equal work.

The Department of Labor is responsible for—

(A) collecting and making publicly available information about women’s role and contributions in the economy;

(B) ensuring that companies receiving Federal contracts comply with anti-discrimination affirmative action requirements of Executive Order 11246 (relating to equal employment opportunity);

(C) disseminating information about women’s risk in the workplace;

(D) helping women who have been victims of pay discrimination obtain a remedy; and

(E) investigating and prosecuting systemic gender based pay discrimination involving government contractors.

SEC. 3. ENHANCED ENFORCEMENT OF EQUAL PAY REQUIREMENTS.

(a) BONA FIDE FACTOR DEFENSE AND MODIFICATION OF SAME ENFORCEMENT REQUIREMENT.—Section 6(d)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)(1)) is amended—

(1) by striking ‘‘No employer having’’ and inserting ‘‘(A) No employer having’’;

(2) by striking ‘‘any other factor other than sex’’ and inserting ‘‘a bona fide factor other than sex, such as education, training, or experience’’; and

(3) by inserting at the end the following:

‘‘(B) The bona fide factor defense described in subparagraph (A)(iv) shall apply only if the employer demonstrates that the factor is not based upon or derived from a sex-based differential in compensation; (ii) is job-related with respect to the position in question; (iii) is consistent with business necessity; (iv) accounts for the entire differential in compensation at issue. Such defense shall not apply

SEC. 4. ENHANCED ENFORCEMENT OF EQUAL PAY REQUIREMENTS.

(a) BONA FIDE FACTOR DEFENSE AND MODIFICATION OF SAME ENFORCEMENT REQUIREMENT.—Section 6(d)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)(1)) is amended—

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SEC. 5. ENHANCED ENFORCEMENT OF EQUAL PAY REQUIREMENTS.

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SEC. 6. ENHANCED ENFORCEMENT OF EQUAL PAY REQUIREMENTS.

(a) BONA FIDE FACTOR DEFENSE AND MODIFICATION OF SAME ENFORCEMENT REQUIREMENT.—Section 6(d)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)(1)) is amended—

(1) by striking ‘‘No employer having’’ and inserting ‘‘(A) No employer having’’;

(2) by striking ‘‘any other factor other than sex’’ and inserting ‘‘a bona fide factor other than sex, such as education, training, or experience’’; and

(3) by inserting at the end the following:

‘‘(B) The bona fide factor defense described in subparagraph (A)(iv) shall apply only if the employer demonstrates that the factor is not based upon or derived from a sex-based differential in compensation; (ii) is job-related with respect to the position in question; (iii) is consistent with business necessity; (iv) accounts for the entire differential in compensation at issue. Such defense shall not apply
where the employer demonstrates that an alternative employment practice exists that would serve the same business purpose without producing such differential and that the employer has refused to engage in such alternative practice.

(C) For purposes of subparagraph (A), employees shall be deemed to work in the same establishment if the employees work for the same employer and are located in the same county or similar political subdivision of a State. The preceding sentence shall not be construed to limit broader applications of the term "workplace" consistent with rules prescribed or guidance issued by the Equal Employment Opportunity Commission.

(7) In men's and women's dressing rooms.—(A) In paragraph (3), by striking "employee" has filed" and all that follows and inserting "employee—"

(8) PROHIBITION.—Section 216(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(c)) is amended—

(b) by striking the preceding sentences and inserting—

"(1) in the case of a violation of section 6(d), additional compensatory or punitive damages, as described in subsection (b), before "and the agreement"; and

(2) in the second sentence, by inserting before the period the following: "or such compensatory or punitive damages, as appropriate"

(c) by amending subsection (a) by striking "the preceding sentences" and in subsection (b), by striking "the first or second sentence" and

(d) by striking in paragraph (2) "the case of a class action brought to enforce section 6(d)" and inserting "the case of a class action brought to conform to the requirements of Rules 23 of the Federal Rules of Civil Procedure or any action brought to enforce section 6(d), no employee"

(e) by striking "by striking "the first sentence" and inserting "commenced in the case" and inserting—"

(f) by striking "or" and inserting "; or"

SEC. 4. TRAINING.

The Equal Employment Opportunity Commission and the Office of Contract Compliance Programs, subject to the availability of funds appropriated under section 11, shall provide training to Commission employees and affected individuals and entities on matters involving discrimination in the workplace.

SEC. 5. NEGOTIATION SKILLS TRAINING.

(a) PROGRAM AUTHORIZED.—

(1) WORKPLACE.—The Secretary of Labor, after consultation with the Secretary of Education, is authorized to establish and carry out a grant program to encourage the establishment of a training program in negotiation skills, to the extent practicable, to be provided to employers to encourage the development of such skills among their employees, and to provide such training programs for the purposes of addressing pay disparities, including through outreach to women and girls.

(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this subsection, an entity shall be a labor organization, a professional association, a local government in a metropolitan statistical area (as defined by the Office of Management and Budget), a State educational agency, or a local educational agency.

(b) GRANTS.—In carrying out the program, the Secretary of Labor may make grants on a competitive basis to eligible entities to carry out negotiation skills training programs for the purposes of addressing pay disparities, including through outreach to women and girls.

SEC. 6. RESEARCH, EDUCATION, AND OUTREACH.

(a) COLLECTION OF PAY INFORMATION BY THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.—Section 709 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–7) is amended by adding at the end the following:

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Secretary of Labor, in consultation with the Secretary of Education, shall prepare and submit to Congress a report describing the activities conducted under this section and evaluating the effectiveness in achieving the purposes of this section.
“(2) In carrying out paragraph (1), the Commission shall have as its primary consideration the most effective and efficient means for enhancing the enforcement of Federal laws prohibiting pay discrimination. For this purpose, the Commission shall consider factors including the imposition of burdens on employers, the frequency of required reports (including the size of employer, enforcement history, and any past compliance), and appropriate protections for maintaining data confidentiality, and the most effective format to report such data.

“(3) For each 12-month reporting period for an employer, the compensation data collected under paragraph (1) shall include, for each range of taxable compensation described in subparagraph (B), disaggregated by the categories described in subparagraph (E)—

“(i) the number of employees of the employer who earn taxable compensation in an amount that falls within such taxable compensation range; and

“(ii) the total number of hours worked by such employees.

“(B) Subject to adjustment under subparagraph (C), the taxable compensation ranges described in this subparagraph are as follows:

“(1) Not less than $3,067.

“(2) Not less than $19,239 and not more than $24,439.

“(3) Not less than $49,420 and not more than $56,919.

“(4) Not less than $91,909.

“(5) Not less than $183,799.

“(6) Not less than $388,000.

“(C) The Commission may adjust the taxable compensation ranges described in this subparagraph by—

“(i) if the Commission determines that such adjustment is necessary to enhance enforcement of Federal laws prohibiting pay discrimination; or

“(ii) in its discretion, after consultation with the Bureau of Labor Statistics.

“(D) In collecting data described in subparagraph (A)(ii), the Commission shall provide that, with respect to an employee who the employer is not required to compensate for overtime employment under section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207), an employer may report—

“(1) in the case of a full-time employee, that such employee works 20 hours per week; or

“(2) the actual number of hours worked by such employee.

“(E) The categories described in this subparagraph shall be determined by the Commission and shall include—

“(i) race;

“(ii) ethnic identity;

“(iii) sex;

“(iv) job categories, including the job categories described in the instructions for the Equal Employment Opportunity Employer Information Report EEO-1, as in effect on the date of the enactment of this subsection.

“(F) The Commission shall use the compensation data collected under paragraph (1)—

“(i) to enhance—

“(I) the investigation of charges filed under section 706 or section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)); and

“(II) the allocation of resources for investigative such charges; and

“(ii) for any other purpose that the Commission determines appropriate.

“(G) The Commission shall annually make publicly available aggregate compensation data collected under this section and described in paragraph (E), disaggregated by industry, occupation, and core based statistical area (as defined by the Office of Management and Budget).

SEC. 9. REINSTATEMENT OF PAY EQUITY PROGRAMS AND PAY EQUITY DATA COLLECTION.

(a) BUREAU OF LABOR STATISTICS DATA COLLECTION.—The Commissioner of Labor Statistics shall continue to collect data on women workers in the Current Employment Statistics survey.

(b) OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS INITIATIVES.—The Director of the Office of Federal Contract Compliance Programs shall ensure that employees of the Office—

“(1) shall use the full range of investigatory tools at the Office’s disposal, including pay grade methodology;

“(2) in considering evidence of possible compensation discrimination—

“(I) shall not limit its consideration to a small number of types of evidence; and

“(II) shall not limit its evaluation of the evidence to a small number of methods of evaluating the evidence; and

“(3) shall not require a multiple regression analysis or anecdotal evidence for a compensation discrimination case;

“(4) for purposes of its investigative, compliance, and enforcement activities, shall define ‘similarly situated employees’ in a way that is consistent with and not more stringent than the definition provided in item 1 of subsection A of section 10 of the Equal Employment Opportunity Commission Compliance Manual (2000), and shall consider only factors that the Office’s investigation reveals to be relevant in making compensation decisions; and

“(5) shall implement a survey to collect compensation data and other employment-related data (including hiring, termination, and promotion data) and designate not less than half of all nonconstruction contractor establishments each year to prepare and file such survey, and shall review and utilize the responses to such survey to identify contractor establishments for further evaluation and for other enforcement purposes as appropriate.

(c) DEPARTMENT OF LABOR DISTRIBUTION OF WAGE DISCRIMINATION INFORMATION.—The Secretary of Labor shall make readily available (in print, on the Department of Labor website, and through any other medium the Department may use to distribute compensation discrimination information), accurate information on compensation discrimination, including statistics, explanations of employer rights, historical analyses of such discrimination, instructions for employers on compliance, and any other information that will assist the public in understanding and addressing employment discrimination.

SEC. 10. PROHIBITIONS RELATING TO PROSPECTIVE EMPLOYEES’ SALARY AND BENEFIT HISTORY.

(a) IN GENERAL.—It shall be unlawful for an employer to—

“(1) rely on the wage history of a prospective employee in considering the prospective employee’s qualifications for employment, including requiring that a prospective employee’s prior wages satisfy minimum or maximum criteria as a condition of being considered for employment;

“(2) rely on the salary history of a prospective employee in determining the wages for such prospective employee, except that an employer may rely on wage history if it is voluntarily provided by a prospective employee, after the employer makes an offer of employment with an offer of compensation to the prospective employee, to support a wage higher than the wage offered by the employer;

“(3) seek from a prospective employee or any current or former employer the wage history of a prospective employee; and

“(4) in considering a prospective employee’s salary history, rely on any publicly available wage history that an employer may seek to confirm prior wage information only after an offer of employment with compensation has been made to the prospective employee and the prospective employee responds to the offer by providing prior wage information to support a wage higher than that offered by the employer; or

“(b) PENALTIES.—Section 16 of such Act (29 U.S.C. 216) is amended by adding at the end the following new subsection:

“Any person who violates the provisions of section 8 shall—

“(1) be subject to a civil penalty of $5,000 for a first offense, increased by an additional $1,000 for each subsequent offense, not to exceed $10,000; and

“(2) be liable to each employee or prospective employee who was the subject of the violation for special damages not to exceed $20,000 plus attorneys’ fees, and shall be subject to such injunctive relief as may be appropriate.

“(c) AN ACTION TO RECOVER THE LIABILITY DESCRIBED IN PARAGRAPH (B) MAY BE BROUGHT IN ANY FEDERAL OR STATE COURT OF COMPETENT JURISDICTION BY ANY ONE OR MORE EMPLOYEES OR PROSPECTIVE EMPLOYEES FOR AND ON BEHALF OF—

“(1) the employees or prospective employees; and

“(2) other employees or prospective employees similarly situated.”

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this Act.

(b) PROHIBITION ON EARMARKS.—None of the funds appropriated pursuant to subsection (a) for purposes of the grant program in section 5 of this Act may be used for any purpose inconsistent with any Federal or State law or regulation.

SEC. 12. SMALL BUSINESS ASSISTANCE.

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect on the date that is 6 months after the date of enactment of this Act.

(b) TECHNICAL ASSISTANCE MATERIALS.—The Secretary of Labor and the Commissioner of the Equal Employment Opportunity Commission shall jointly develop technical assistance materials to assist small employers in complying with the requirements of this Act and the amendments made by this Act.

(c) SMALL BUSINESSES.—A small enterprise shall not be exempt from the provisions of this Act, and the amendments made by this Act, to the same extent that such enterprise is exempt from the requirements of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) pursuant to clauses (i) and (ii) of section 3(j)(1)(A) of such Act (29 U.S.C. 203(j)(1)(A)).

SEC. 13. RULE OF CONSTRUCTION.

Nothing in this Act, or in any amendments made by this Act, shall be construed to require any employer or employees to fully comply with all applicable immigration laws, including being
subject to any penalties, fines, or other sanctions.

SEC. 14. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of that provision or amendment to particular persons or circumstances is held invalid or found to be unconstitutional, the remainder of this Act, the amendments made by this Act, or the application of that provision to other persons or circumstances shall not be affected.

The CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of House Report 116–19. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MS. FOXX OF NORTH CAROLINA

The CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 116–19.

Ms. FOXX of North Carolina. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 8.

The CHAIR. Pursuant to House Resolution 232, the gentlewoman from North Carolina (Ms. FOXX) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from North Carolina.

Ms. FOXX of North Carolina. Madam Chair, I yield myself such time as I may consume.

In 2016, the Obama administration proposed adding employee pay data to the EEO–1 report, but was blocked by certain employers specifying employee pay data by job category, ethnicity, race, and sex.

After strong concerns were raised about this misguided proposal by congressional Republicans, the Office of Management and Budget stopped it from going forward in August 2017. A Federal district court recently overturned OMB’s stay on the data collection, which the administration will likely appeal.

The Obama administration scheme would have imposed an extremely costly and uniquely burdensome mandate on business owners, providing reams of proprietary data to the government for uses which were never adequately explained.

The Obama EEO–1 scheme would have increased the data fields provided by employers in each EEO report twentyfold, from 180 to 3,600. It was also estimated that adding employee pay data to the EEO–1 form would have brought the overall cost to employers of submitting the report to approximately $700 million annually.

It is appropriate to compare the pay data collection provisions in H.R. 7 to the 2016 Obama scheme because H.R. 7, as modified by the Scott amendment printed in part A of the Rules Committee report, codifies much of the 2016 Obama administration’s scheme.

In fact, H.R. 7 includes 12 pay bands, the same number as in the Obama mandate, at the exact dollar amounts that were part of the Obama mandate.

Incredibly, H.R. 7’s employee pay data mandate is even more extreme than the Obama proposal. In addition to collecting reams of employee pay data, the bill requires the EEOC to collect hiring, termination, and promotion data. How the EEOC would collect this kind of data and how business owners would comply is anyone’s guess.

As with the previous scheme to expand the EEO–1, H.R. 7’s provision raises many concerns. For one, H.R. 7 would pose significant threats to the confidentiality and privacy of employee pay data. For instance, the EEOC shares the EEO–1 data with the Department of Labor, which, in certain situations, might release data even if the EEOC would not.

More time and again we have seen massive and harmful data breaches of Federal agencies. Requiring the EEOC to collect pay data would create yet another valuable target, and breaches of Federal agencies. Requiring the EEOC to collect pay data would create yet another valuable target, and breaches of Federal agencies. Requiring the EEOC to collect pay data would create yet another valuable target, and breaches of Federal agencies. Requiring the EEOC to collect pay data would create yet another valuable target, and breaches of Federal agencies. Requiring the EEOC to collect pay data would create yet another valuable target, and breaches of Federal agencies.

Women’s Law Center won an important victory in 2018 against the EEOC’s collection of pay data. The 2nd Circuit ruled that the EEOC’s action was not a permissible exercise of EEOC’s authority.

The CHAIR. The gentlewoman from North Carolina.

Mr. SCOTT of Virginia. Madam Chair, I reserve my time.

Today, women earn 80 cents to every one dollar earned by men. Disparate treatment and disparate impact discrimination based on sex are rampant, and will continue despite the progress we have made in offering greater opportunities to more and more Americans, pay discrimination persists, and, at times, it occurs in stealthy ways that cannot be easily detected. That, in fact, is a key reason why I oppose this amendment.

Keeping this bill intact is necessary to prevent the kind of unfair discrimination that occurs when employees are compensated less than another despite doing the same job just as well for just as long and with the same credentials.

I worked in the private sector for 13 years before coming to Congress. I know firsthand that unfair pay disparities still occur.

Across industries, I worked with employers to confront it and, to bring more women to the decision-making table and create work environments where people of any sex, gender, race, or ethnicity were truly empowered.

Pay discrimination derailed a workplace. It holds back talent and undermines trust, a toxic mix for any business.

A key component of the Paycheck Fairness Act requires that the Equal Employment Opportunity Commission collect wage data, disaggregated by sex, race, and national origin. This provision is particularly necessary to respond to the administration’s attempt to block the EEOC from collecting data.

Earlier this month, the National Women’s Law Center won an important case to reinstate the EEOC’s ability to collect this data. Nevertheless, attacks on collecting data of this type continue. We should not make it easier to hide pay discrimination.

This provision is necessary to ensure that equal work does, in fact, lead to equal pay. It will reveal trends in hiring, compensation, and advancement, and it will expose sex-segregated jobs, and unequal salaries, benefits, or bonuses.

This provision is a critical component of the bill, and I urge my colleagues to oppose the amendment and keep the bill intact.

Madam Chair, I yield to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Madam Chair, I include in the RECORD a letter from the International Federation of Professional and Technical Engineers in support of this legislation.

INTERNATIONAL FEDERATION OF PROFESSIONAL & TECHNICAL ENGINEERS, AFL-CIO & CLC,

Washington, DC, March 26, 2019.

DEAR REPRESENTATIVE: On behalf of the 90,000 members represented by the International Federation of Professional and Technical Engineers (IFPTE), we are writing in support of H.R. 7, the Paycheck Fairness Act. Sponsored by Congresswoman Rosa DeLauro, this legislation will amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of gender-based discrimination in the payment of wages. With a floor vote scheduled this week, IFPTE urges you to vote yes.

Today, women earn 80 cents to every one dollar earned by their male counterparts. It is even worse for African-American women, who earn only 61 cents on the dollar compared to white non-Hispanic men, while Hispanic and Latina women earn only 53 cents
on the dollar compared to white non-Hispanic men. While these glaring differences should be unacceptable in any day and age, the impact is even greater today with poverty among women recently reaching their highest peak in nearly two decades.

The problem of unequal pay for equal work spans every sector and all educational levels. According to the Department of Professional Employees (DPE, AFL-CIO) fact sheet, Professional Women: A Gendered Look at Inequality in the U.S. Workforce, women with a bachelor’s degree or higher earned $1,220 in median weekly wages in 2015, while men with a comparable education earned $1,420. The DPE fact sheet also looked at wage disparities per occupational category and found that, without exception, women’s wages lag far behind men. Despite comprising 55 percent of workers in professional and related occupations, women in those professions earn 28 percent less than men.

The Paycheck Fairness Act is aimed at closing the pay discrimination gap by strengthening the Equal Pay Act of 1963. This legislation will:
- Clarify acceptable reasons for differences in pay to ensure that a wage gap is legitimate and truly a result of factors other than gender;
- Allow for reasonable comparisons between employees to ensure fair wages;
- Prohibit employer retaliation against workers who inquire about employee wages in general, or disclose their own wage;
- Provide workers the option to proceed in an opt-out class action lawsuit and allow women to receive punitive and compensatory damages for pay discrimination;
- Increase training for Equal Employment Opportunity Commission (EEOC) staff to better identify and handle wage disputes;
- Require regulations directing employers to collect wage data;
- Require the Department of Labor to reinstatethe act that promote equal pay (i.e. educational programs, technical assistance to employers, promoting research about pay disparities between men and women); and,
- Establish salary negotiation skills training for women and girls.

The Paycheck Fairness Act is a long overdue bill to close the pay gap suffered by women workers. IPFTFE urges you to support H.R. 7.

Sincerely,

Paul Shearon,
President
Matthew Biros,
Secretary-Treasurer/ Legislative Director.

Mrs. TRAHAH. Madam Chair, reporting this data allows the EEOC to see which employers have racial or gender pay gaps that differ significantly from the pay patterns of other employers in their industry and region.

To be clear, this pay data will not conclusively establish that any employer is violating the law, and it isn’t intended to. What it will do is aggregate millions of data points to establish gender and racial pay patterns within job categories, industries, and localities, allowing identification of firms that significantly depart from those benchmarks that may warrant further analysis.

Table 1515

Simply put, we cannot end unfair pay discrimination if we don’t have the data.

I join my colleague from North Carolina in celebrating a record number of issues of pay parity among historically underserved groups.

My first amendment changes the findings section of the Paycheck Fairness Act to recognize the devastating impacts the wage gap has on women of color. We must acknowledge that the Paycheck Fairness Act is failing to recognize the specific effect the wage gap has on women and girls of color, these impacts might go unnoticed.

Madam Chair, I reserve the balance of my time.

Ms. FOXX of North Carolina. Madam Chair, I rise in opposition to the amendment.

The CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. FOXX of North Carolina. Madam Chair, my colleague just said that Latina women are being paid 53 cents for every dollar a White man earns for the same work. That is currently illegal, and it should be reported.

My colleague may want to amend her statement on that, but I want to say again, paying a woman less than a man when they are both doing the same work is abhorrent and illegal.

Women deserve equal pay for equal work, and that’s why federal laws prohibit pay discrimination based on sex.

What Congress should be looking at are ways to expand opportunities for women in the workplace. H.R. 7, however, does nothing to help women. Instead, it is written to help trial lawyers.

Rather than treating sex discrimination charges with the seriousness they deserve, H.R. 7 is designed to make it easier for trial lawyers to bring more suits of questionable validity, which will siphon off money from settlements and jury awards to line the pockets of trial lawyers.

As we have said before, H.R. 7 offers no new or meaningful protections against pay discrimination.

The findings section in H.R. 7 to which this amendment is added already discusses women in the workplace and implies that the gender pay gap is largely caused by discriminatory acts. However, economic studies conducted by government and private entities alike consistently show that women make more holistic and discerning decisions.

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These values and choices should be honored, Madam Chair. As such, the gender pay gap significantly shrinks when these choices and factors are taken into account.

Pay discrimination is a serious issue, but I do not believe the amendment will improve the bill or help to address pay discrimination in the workplace.

Madam Chair, I urge a “no” vote, and I reserve the balance of my time.
Mrs. TORRES of California. Madam Chair, I am prepared to close.

Madam Chair, my amendment shines a light on the plight of women and girls of color and sets the tone to take their struggle into account throughout the research, education, and outreach done by the Secretary of Labor.

My colleagues on the other side of the aisle might have never heard about retaliation, about blacklisting. When women have the courage to come forward and report these wage thefts and abuses, they are treated differently under the law. That is why this bill is important. That is why this amendment is important.

Madam Chair, I would like to thank the gentlewoman from Connecticut (Ms. DeLAUTER) for introducing this bill, for her dedication to fair pay.

Madam Chair, I urge my colleagues to support my amendment, and I yield back the balance of my time.

Ms. FOXX of North Carolina. Madam Chair, again I say, Republicans harbor any type of discrimination, particularly pay discrimination against women.

Madam Chair, if H.R. 7 would help with the situation that my colleague described, we would be in favor of it. No woman should be discriminated against because she reports the fact that she is receiving unequal pay for work, but, again, H.R. 7 does nothing to help those situations. That is why we oppose it.

Madam Chair, H.R. 7 is not helping women: it is helping trial lawyers. I urge my colleagues to vote “no” on the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from California (Mrs. TORRES).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MRS. TORRES OF CALIFORNIA

The CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 116-19.

Mrs. TORRES of California. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 14, line 3, insert “, with specific attention paid to women and girls from historically underrepresented and minority groups, or “disparities”.

The CHAIR. Pursuant to House Resolution 252, the gentlewoman from California (Mrs. Torres) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Mrs. TORRES of California. Madam Chair, I rise today to offer a second amendment to H.R. 7, the Paycheck Fairness Act.

This amendment ensures that women and girls of color are included in the research, education, and outreach done by the Secretary of Labor.

The sad truth is that women, especially women of color, are still paid less than their male counterparts for the same type of work. I know this because it happened to me.

One of my very first jobs was in a male-dominated industry, selling steel.

It didn’t matter that I performed as well, if not better, than my male colleagues. It didn’t matter that I sold steel in three languages while they sold in just one. I would do my own data entry to get the job done, while they relied on an assistant.

And when I needed a promotion, I was not afraid to walk into the warehouse, pack the material, pick it up, and send it to my customer. I was still paid less.

I had to leave that job that I loved because I wasn’t getting my fair share.

It was a shame then and it is a shame today.

On average, Latinas still get paid 53 cents to every dollar made by their White male colleagues for the same type of work.

Today, we can act to change this. By passing the Paycheck Fairness Act with my amendment, maybe young Latinas and other women of color will not have to suffer and share my experience.

Madam Chair, I reserve the balance of my time.

Ms. FOXX of North Carolina. Madam Chair, I rise in opposition to the amendment.

The CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. FOXX of North Carolina. Madam Chair, women deserve equal pay for equal work.

In America, it is law codified in the Equal Pay Act and the Civil Rights Act.

Unfortunately, H.R. 7 is a false promise that creates opportunities and advantages for trial lawyers, not for working women, and the bill already includes new government studies.

H.R. 7 allows for undocumented compensation and class actions, and makes it impossible to defend against a claim, when the pay difference at issue is legitimate. But the bill does not offer new protections for workers against pay discrimination.

Both government and nongovernmental studies have shown that the gender pay gap significantly shrinks when certain choices and factors are included, such as choices made in managing work-life demands.

For example, a recent Harvard University study found that the gap in pay between female and male bus and train operators working for the Massachusetts Bay Transportation Authority was explained by the workplace choices that women and men make, rather than other factors such as discrimination.

The Harvard study is noteworthy because the workplace characteristics of the female operators are entirely comparable to their male operators. All of the female operators were represented by the same union, and all are covered by the same collective bargaining agreement.

We want to ensure the laws prohibiting pay discrimination are effective. However, this amendment, and the underlying provision in H.R. 7, are not going to be helpful in this regard.

We should strive to provide women and girls of color more freedom, flexibility, and opportunities. I do not believe this amendment will help us achieve that goal.

Madam Chair, I urge my colleagues to oppose it, and I reserve the balance of my time.

Mrs. TORRES of California. Madam Chair, my amendment will expand the Paycheck Fairness Act to ensure the Secretary of Labor is paying attention to specific issues and researching the wage gap; educating employers, the media, and labor organizations on these findings, specifically highlighting the impact on underrepresented groups; ensuring minorities are included in informational and educational outreach programs; and celebrating the accomplishments of employers who are leading the way to specifically address the gender gap issue for women of color.

By paying specific attention to women of color in their research, maybe, one day, we can fill that gap to recognize that diversity of perspective can be an asset.

I wonder how different my experience would have been if the Paycheck Fairness Act would have been in place at the time. Would I still have become a homeowner? Maybe. Would I still have been a successful mother of three sons? Maybe. Would I have been able to afford to pay for childcare? Maybe. These are the things that women in business and the workforce are having to deal with every single day.

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

Ms. FOXX of North Carolina. Madam Chair, I want to say, again: no one in the workplace should be discriminated against. No woman of color, no woman, should be discriminated against. Republicans are opposed to any discrimination, in pay or otherwise, but H.R. 7 is not going to fix that. If it were, we would be on board.

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

The CHAIR. The question is on the amendment offered by the gentlewoman from California (Mrs. Torres).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. BYRNE

The CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 116-19.

Mr. BYRNE of North Carolina. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amend section 3(a)(2) to read as follows:

(2) by striking “any other factor other than sex” and inserting “a bona fide business-related reason other than sex”; and

Page 6, line 21, strike “(C)” and insert “(B)”. 

March 27, 2019

CONGRESSIONAL RECORD — HOUSE H2865
The CHAIR. Pursuant to House Resolution 252, the gentleman from Alabama (Mr. BYRNE) and a Member opposed each will control 5 minutes.

Mr. BYRNE. Madam Chair, I yield myself such time as I may consume.

Madam Chair, this amendment adds the language “a bona fide business-related reason” to make clear to the courts that the factor other than sex defense in the Equal Pay Act cannot be used as a loophole or excuse for using sex as a factor.

This amendment additionally strikes the remaining provisions of the underlying bill relating to applications of the factor other than sex defense.

These unnecessary provisions require that, even when an employer already shows the factor is other than sex, it must prove the factor is a “bona fide business necessity.” This untestable concept allows an unimpeded path to the promise of unlimited punitive and compensatory damages for trial lawyers.

In sum, this amendment strengthens current law and eliminates the new and untested concepts the underlying bill imposes on employers. It would make it impossible for an employer to defend any difference in pay, even when based on any number of legitimate job-related factors.

Madam Chair, I reserve the balance of my time.

Ms. WILD. Madam Chair, I rise in opposition to the Byrne amendment.

The gentlewoman from Pennsylvania is recognized for 5 minutes.

Ms. WILD. Madam Chair, don’t be mistaken. This amendment is a clear attempt to undermine the fundamental objectives of the Paycheck Fairness Act, which are to engender pay disparity by, in part, further clarifying congressional intent so that courts can no longer dismiss meritorious claims.

The Paycheck Fairness Act fixes current law and eliminates the new and untested concepts the underlying bill imposes on employers. It would make it impossible for an employer to defend any difference in pay, even when based on any number of legitimate job-related factors.

Madam Chair, I reserve the balance of my time.

Mr. BYRNE. Mr. Chair, I was listening to the gentlewoman talk and I don’t know how she read my amendment, because my amendment actually solves the problem that she poses. There are some circuits that have given opinions just exactly as she said. What my amendment does is simply create a necessity for the underlying bill. And I urge my colleagues to vote “no.”

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

Ms. WILD. Mr. Chair, I, therefore, continue to urge my colleagues to vote “no” on the Byrne amendment, and I reserve the balance of my time.

Mr. BYRNE. Mr. Chairman, I have great respect for the gentlewoman. I don’t think she understands what that language actually means, how it has been interpreted by the courts, and how it may be totally misinterpreted against plaintiffs in these types of lawsuits.

What my amendment does is actually strengthen the hand of parties that have a clear understanding of what they are going to have to do to get into the RECORD.

Mr. BYRNE. Mr. Chairman, I appreciate what the gentlewoman had to say. I was listening very carefully to her. I think she does have it confused, however, because it does inject an additional burden for employers that is not in the law right now and it does provide a reason why they should have to do what they are going to have to do to comply with it. And I think my use of the bona fide business-related reason is going to inject the clarity and the protection we need and actually protect plaintiffs more than what is in the bill.

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

Ms. WILD. Mr. Chairman, I think it is important, given that we are having a discussion here over who understands the text of the bill, to read it directly into the RECORD.

“The bona fide factor defense, described in subparagraph (A) of section (3)(a)(3), constitutes a bona fide factor, is an attempt to create ambiguity so that courts continue to interpret the act’s protection in a narrow way.”

This bill provides necessary clarity that this bona fide factor defense is only available when there is a real business necessity. This bill ensures that there is a connection between the pay disparity and the specific job in question. This amendment is contrary to the congressional intent of the underlying bill and I urge my colleagues to vote “no.”

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

Mr. BYRNE. Mr. Chair, I was listening to the gentlewoman talk and I don’t know how she read my amendment, because my amendment actually solves the problem that she posed. There are some circuits that have given opinions just exactly as she said. What my amendment does is simply create a necessity for the underlying bill. And I urge my colleagues to vote “no.”

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

Ms. WILD. Mr. Chair, I think it is my colleague from Alabama who is confused about the wording of this text. His amendment would specifically provide for the protection in a narrow way.

Mr. BYRNE. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR (Mr. GONZALEZ of Texas). The gentleman from Alabama has 2 minutes remaining.

Mr. BYRNE. Mr. Chairman, once again, I heard what she read into the RECORD. I already read that. I understand exactly what it says. I think maybe I haven’t made myself clear:
The underlying bill injects clarity into the law, which hurts plaintiffs in their cases. This will hurt women in bringing their cases. It will take years to try to get clarity through the court system, if we ever get clarity. That hurts plaintiffs in these lawsuits.

Defendants like to throw up unclarity. So I guess, perhaps, if you wanted to argue from that point of view, let’s have a confusing bill. I am going to get clarity into the bill that actually helps women. And it is the irony of this whole proceeding that the bill that is supposed to help women, that they say is going to help women, hurts them. I am trying to help women with my amendment.

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

Ms. WILD. Mr. Chairman, this amendment eliminates clarity. It simply replaces the words “bona fide,” with no additional definition or guidance, thereby ensuring that this defense will continue to be misunderstood, misused, and incorrectly applied by the courts.

Mr. Chairman, I yield back the balance of my time.

Ms. WILD. Mr. Chairman, this language is consistent with how nearly all circuit courts of appeal have interpreted this factor:

“Bona fide business-related reason” is not an empty phrase. For example, in one case where the employer alleged that the difference in pay was based on the higher paid person’s participation in a bona fide skills development program, the court carefully examined the program to determine whether it was legitimate and, in fact, found that it was not.

This amendment helps women. If you want to help women in the workforce, this amendment does it. Their bill doesn’t.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Alabama (Mr. BYRNE). The amendment was rejected.

Ms. JAYAPAL. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Washington (Ms. JAYAPAL). The amendment was rejected.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Washington (Ms. JAYAPAL). The amendment was rejected.

Ms. JAYAPAL. Mr. Chairman, in order to empower all women, we must continue to highlight the specific barriers faced by and the needs of women of color in the workforce.

In 2017, the gender wage gap widened for women of color. While research found that women made 80 cents for every dollar paid to White, non-Hispanic men, women of color faced much lower rates: Black women were paid only 61 cents for every dollar paid to White men; Native American women were paid 58 cents; and Latina women were paid only 53 cents.

That means that this year, Equal Pay Day, the date that marks how long women have to work into the year to earn what their White male counterparts earned in the previous calendar year, falls on April 2. But for Black women, Equal Pay Day isn’t until August 22. Native American women’s Equal Pay Day falls on September 23, and Latinas have to work nearly 11 full months into 2019 before they will see their Equal Pay Day on November 20.

That is true economic injustice.

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

Ms. FOXX of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The general gentleman from North Carolina is recognized for 5 minutes.

Ms. FOXX of North Carolina. Mr. Chair, I reserve the balance of my time.

Ms. FOXX of North Carolina. Mr. Chair, once again, it is wrong to discriminate, including with respect to pay, based on sex. It is also illegal to do so under both the Equal Pay Act of 1963 and the Civil Rights Act of 1964.

Everyone, Republicans and Democrats alike, supports equal pay for equal work because, when workers thrive, America thrives, but H.R. 7 does not further this goal.

Democrats claim H.R. 7 will improve upon these existing and bipartisan laws to create new avenues for women to fight pay discrimination. What H.R. 7 actually does is create new avenues for trial lawyers to earn higher paychecks—while dragging countless women into unwanted lawsuits.

Of the 2.8 million jobs created in the last year, more than 58 percent have gone to women.

Today, there are 74.9 million working women in the United States, more than ever before; and one in five employer businesses, nationwide, is owned by women.

We celebrate workers who choose to give priority to professional success and advancement, but it is important to show that we value freedom and diversity of choice in the workplace.

It is not the job of Federal lawmakers to tell American workers of either sex what their priorities should be. We know that the typical working woman is more likely to experience economic challenges in her life at every stage—being a mother, single parent, caring for aging parents, and fighting for her career.

The Paycheck Fairness Act seeks to eliminate this gap by picking up where the Equal Pay Act of 1963 left off and strengthening protections for women in the workplace against retaliation, discriminatory screening, and legal obstacles to justice. This amendment to H.R. 7 will ensure that the data collected on behalf of the legislation will be inclusive of all races and ethnicities.

Pursuant to section 6 of H.R. 7, the Secretary of Labor must conduct studies as to why women earn less than men and the general public concerning the means by which gender pay disparities can be eliminated. These studies are a critical step forward towards closing the pay gap.

This amendment would clarify that these Department of Labor studies mandated by section 6 of the underlying bill must include not just information regarding pay disparities between men and women generally, but specifically for women of every racial and ethnic background.

Mr. Chairman, in order to empower all women, we must continue to highlight the specific barriers faced by and
work patterns and life decisions are key to explaining the wage gap, and that the wage gap shrinks considerably when factors such as hours worked per week, industry, occupation, work experience, job tenure, and preferences for nonwork are considered.

In addition to opening countless avenues for trial lawyer payouts while limiting employer defenses, H.R. 7 mandates intrusive and elaborate data collection from employers, breaking down compensation, hiring, termination, and promotion data by sex, race, and national origin of employees—that will cost about $700 million a year.

Rather than expending taxpayer dollars on expanding studies, Federal lawmakers should promote a continued focus on strong economic policy, education, and innovation that will create opportunities and expand options for all American workers.

Mr. Chairman, I urge my colleagues to oppose this amendment, and I reserve the balance of my time.

Ms. JAYAPAL. Mr. Chairman, better information allows us to develop better policy solutions, and that is all this amendment collects. It provides more information to address an unacceptable inequality. By mandating that the studies conducted by the Department of Labor explicitly address and include women of any category in this country, we don't want women discriminated against, we don't want women discriminated against, women of any category in this country, and this amendment is not necessary and neither is H.R. 7.

Mr. Chairman, I urge my colleagues to vote “no” on the amendment and “no” on the underlying bill, and I yield back the balance of my time.

Ms. FOXX of North Carolina. Mr. Chairman, we believe women should not be discriminated against. We don’t want women discriminated against, women of any category in this country, and this amendment is not necessary and neither is H.R. 7.

Mr. Chairman, I urge my colleagues to vote “no” on the amendment and “no” on the underlying bill, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Ms. JAYAPAL).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. BEYER

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Ms. JAYAPAL).

The amendment was agreed to.

The Acting CHAIR. The Chair understands that the amendment No. 6 will not be offered.

AMENDMENT NO. 7 OFFERED BY MR. BEYER

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in part of the report 116-19.

Mr. BEYER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In subsection (f) of section 709 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–8), as

posed to be added by section 8, add at the end the following:

“(3) The compensation data under para-

graph (1) shall be collected from each em-

ployer that

“(A) is a private employer that has 100 or

more employees, including such an employer

that is a contractor with the Federal Gov-

erment, or a subcontractor at any tier

thereof; or

“(B) the Commission determines appro-

priate.”

The Acting CHAIR. Pursuant to House Resolution 252, the gentleman from Virginia (Mr. BEYER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. BEYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as a small business owner and employer, I understand the value of data because you can’t improve what you don’t measure. So my amendment, which I offer with Representative ILHAN OMAR, exempts employers with fewer than 100 employees from reporting compensation data and only requires those with more than 100 to do so.

Employers already report workforce data by race, sex, and ethnicity across 10 different job categories in their annual EEO–1 submission to the EEOC. So collecting this data simply ensures equal pay for equal work. If employers value the standard, this is an easy start.

I am very grateful to Chairman SCOTT and the leadership on the amendments to strengthen pay data collection and to Congresswoman ROSA DELAURO for her years and years of effort on this.

Persistent pay gaps exist in the U.S. workforce to correlate with sex, race, and ethnicity. The Congress has found that 54.6 percent of the wage gap can be explained by three factors: experience, industry, and occupation, the things we can’t control.

The question is not providing any burden on small business. This amendment would exempt those with 100 employees or less.

Mr. Chair, I reserve the balance of my time.
Mr. Chairman, the American people entrusted Democrats with the majority in part because we pledged to work hard on the issues they care about most, issues affecting their everyday lives.

I am the father of three daughters. They are all extraordinary people. I want them all treated based upon the content of their character, their performance, and the duties that they perform, not on the fact that they happen to be female and not sons.

One of the issues we pledged to address was raising wages, and that includes addressing the gender pay gap, which keeps women from earning their fair share and harms families, children, and all people.

The last time I was the majority leader, which was from 2007 to 2011, we enacted the Lilly Ledbetter Fair Pay Act to make it easier for women who have faced discriminatory pay and benefits to seek justice.

Lilly Ledbetter had worked hard, and she did not know that she was being paid less than her counterparts doing exactly the same thing she was doing, with exactly the same responsibility and exactly the same expectations. There was no justice in that, but she didn’t know it. The Supreme Court said, well, you didn’t raise the issue quickly enough.

We also passed the Paycheck Fairness Act in that same Congress, but, unfortunately, the Senate failed to enact it as well.

Now we have learned to this important work of ensuring equal pay for equal work. Who, intellectually, can oppose that concept? Who, with any sense of fairness and fair play, could oppose that concept and precept?

It is shameful, Mr. Chair, that, in 2019, 56 years after President Kennedy signed the Equal Pay Act, we are here fighting for equal pay. A half century later, women still earn, on average, 80 cents to a man’s dollar, and, very unfortunately, it is not any better and actually is a little less than that. That gap is even worse for minorities. Two-thirds of women are now either the primary breadwinner or co-breadwinners in their households.

Make no mistake, this is an economic concern for families across our country. This is not a woman’s issue. It is a fairness issue. It is an every family, every person issue.

Democrats ran on a platform of raising wages, and, as I said, we are focused on making sure that more working families can make it in America. That is what this bill will help achieve.

I am proud that every member of the Democratic Caucus—let me repeat that, 234 members of the Democratic Caucus have signed on as cosponsors of this bill because we believe it is fair; because we believe it is right; because we believe it is good for families; and, yes, because we believe it is good for the American economy.

ROSA DELAURo is on the floor, and I want to thank the gentlewoman. We hear the phrase, ‘Keep the faith.’ ROSA DELAURo has kept the faith year after year, not only with women of America, but with the families and children of America who rely on women’s wages for the quality of their lives, and their partners’, and their spouses’.

I thank the gentlewoman, ROSA DELAURo, for all that she has done for our country in keeping the faith.

I also thank my dear friend and colleague from my neighboring State of Virginia, Chairman BOBBY SCOTT, for his faithfulness, for his focus, and for his bringing this bill to the floor so early in our session.

Mr. Chair, I urge my colleagues to observe April 2, which is Equal Pay Day. It is a day symbolizing how far into the year women must work to earn what men earned in the previous year—essentially, 3 months of free labor. Not in this body, because we are all paid the same in this body. We comply with this bill. That is the good news.

The bad news is, women, on average, have to work not 12 months but 15 months to earn what men earn in 12 months. That is what that language meant.

I urge my colleagues to vote today to make this the Equal Pay Day and pass this bill to ensure the promise of economic equality for all.

We hold these truths to be self-evident, that all—dare I say, and the “men”—that all are created equal. That view maybe self-evident, but it is not self-executing. Let us act upon it today.

Ms. FOXX of North Carolina. Mr. Chairman, could I inquire as to how much time the gentleman from Virginia has remaining.

The Acting CHAIR. The gentlewoman from North Carolina has 2½ minutes remaining. The gentleman from Virginia has 1 minute remaining.

Ms. FOXX of North Carolina. Mr. Chairman, I have said it I don’t know how many times today, I will say it one more time. Republicans are opposed to pay discrimination. We have always been opposed to pay discrimination. We have always been for the rights of others.

The first Republican President in this country was the leader that ended slavery in this country. Republicans have been for equal pay. We support the rights of all citizens to be treated equally. We have all said that, every Republican who has spoken here.

This bill does not do that. I believe that the gentleman from Virginia’s amendment proves that this is a damaging bill, because he wants to spare smaller companies from the very damaging impacts of the pay data collection mandate.

That, in a way, is discriminatory in itself because there is a feeling that it is okay for big businesses to pay the cost of this, but it is not okay for small businesses to pay the cost of this. In a way, this amendment itself dams the bill.

As our colleague from Maryland says, I hope that every business owner in America will note that every Democrat is a cosponsor of this bill. I hope that word gets out loud and clear across the country, particularly among business owners.

I will say that this amendment to spare smaller companies makes the tiniest impact in this bill, and, therefore, I will support it, although I don’t believe the bill will go anywhere in the Senate.

It is my hope that, again, that points out the discriminatory nature and the terrible aspects of this bill to all business and industry in the country. It doesn’t help the underlying bill in terms of the other businesses and industries.

Mr. Chair, I yield back the balance of my time.

Mr. BEYER. Mr. Chairman, I thank my friend from North Carolina for supporting this amendment, and I thank my friend from North Carolina for clearly stating a few times today that Democrats and Republicans are both committed to equal pay for men and for women.

I think our differences just come down to how we accomplish that, because 50 years after the Equal Pay Act was signed, there are still significant differences, despite our joint commitment to equal pay.

If unequal pay continues to persist, how can we address it? We simply say that the collection of data to the EEO–1 is the best way to move forward. The employers with less than 100 have been exempted from the very beginning of the EEO–1 report, so this is simply consistent with that and recognizes that, to get meaningful data, sometimes you need more than a handful of people.

That is, 6 or 10 or 12 people don’t necessarily give you an apples-to-apples comparison. When you get more than 100, you can do it.

The government already collects the sensitive data. It has done it for years without privacy concerns. My friend pointed out there may be 3,200 or 3,600 categories. Right now, with deep learning and machine learning, this is something that takes a microsecond to do. This is very easy. We are now in an intellectual and digital world where we can have the EEO discover which companies have persistent patterns of pay inequality, and it is not that difficult.

All our offices have pay transparency. When I am trying to figure out how much to pay a legislative correspondent or legislative director or front office, I know that everyone can go online and figure out what everyone else is making. That is a powerful incentive for us to make sure that people are paid fairly and paid equally. All we are trying to do is bring the same transparency to American businesses across the country.

Mr. Chair, I thank my friend for her support of this amendment, and I yield back the balance of my time.
The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. Beyer).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. Chairman, Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

☐ 1615

AMENDMENT NO. 8 OFFERED BY MRS. LAWRENCE

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in part B of House Report 116–19.

Mrs. LAWRENCE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 6, strike “‘Not later than’ and insert ‘(a) IN GENERAL.—Not later than’.

In subsection (2), at the end the following:

(b) REPORT ON GENDER PAY GAP IN TEENAGE LABOR FORCE.—

(1) required.—Not later than one year after the date of enactment of this Act, the Secretary of Labor, acting through the Director of the Women’s Bureau and in coordination with the Commissioner of Labor Statistics, shall—

(A) submit to Congress a report on the gender pay gap in the teenage labor force; and

(B) make the report available on a publicly accessible website of the Department of Labor.

(2) ELEMENTS.—The report under subsection (a) shall include the following:

(A) An examination of trends and potential solutions relating to the teenage gender pay gap.

(B) An examination of how the teenage gender pay gap potentially translates into greater wage gaps in the overall labor force.

(C) An examination of overall lifetime earnings, including median and formal jobs for women, including women of color.

(D) An examination of the teenage gender pay gap, including a comparison of the average earnings of males and females, respectively, in informal jobs, such as babysitting and other freelance jobs, as well as formal jobs, such as retail, restaurant, and customer service.

(2) A comparison of—

(i) the types of tasks typically performed by women from the teenage years through adulthood within certain informal jobs, such as babysitting and other freelance jobs, and formal jobs, such as retail, restaurant, and customer service; and

(ii) the types of tasks performed by younger males in such positions.

(F) Interviews and surveys with workers and employers relating to early gender-based pay disparities.

(G) Recommendations for—

(i) addressing pay inequality for women from the teenage years through adulthood within certain informal jobs, such as babysitting and other freelance jobs, and formal jobs, such as retail, restaurant, and customer service; and

(ii) addressing any disadvantages experienced by young women with respect to work experience and professional development.

(iii) the development of state the following best practices for workers and employers to ensure better pay for young women and the prevention of early inequalities in the workplace, and

(iv) expanding awareness for teenage girls on pay rates and employment rights in order to reduce greater inequalities in the overall labor force.

The Acting CHAIR. Pursuant to House Resolution 232, the gentlewoman from Michigan (Mrs. Lawrence) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Michigan.

Mrs. LAWRENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would first like to thank Representative Rosa DeLauro for her hard work on H.R. 7, the Paycheck Fairness Act. This longstanding legislation which would ensure equal pay for equal work has been introduced in every single Congress since 1997.

As the chair of the Bipartisan Women’s Caucus, I am proud to support H.R. 7, meaningful legislation that would at a minimum ensure that workers are protected against gender-based pay discrimination, prevent retaliation against those who voluntarily discuss wages, eliminate loopholes which would allow institutional discrimination in pay; equal pay by men for women in gender-based discrimination; and prohibit salary history from dictating future pay.

Mr. Chair, my amendment is simple. While we debate the gender pay gap in the professional world, it is imperative that we understand how and when the pay gap begins. For women, the gender-based wage gap typically emerges in the teenage years and only increases with time. My amendment will require the Secretary of Labor and the Commissioner of Labor Statistics to submit a report to Congress that studies the teenage pay gap and provide recommendations to address it.

A 2018 study cited in The Washington Post reported that the gender-based wage gap emerges well before adulthood, leading to long-term effects on lifetime earnings and economic mobility. The economic impacts of the gender-based wage gap are even greater for women of color.

Teenagers are a substantial but often understudied part of our workforce. Many teenagers, not out of just wanting something to do, but out of necessity because of their financial situation, work part-time while in school and sometimes enter the workforce, unfortunately, as early as 12 years old. To truly address the wage gap, we need to have a better way to identify the root of these gaps.

This report would provide the statistics necessary to uncover why this pay gap exists and the best ways to remedy the inconsistency. If women are raised in a culture where they believe they are not equal to men, the disparity that exists becomes a reality. We must work to end that mindset now.

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

Mrs. FOXX of North Carolina. Mr. Chair, I would urge my colleagues to oppose this amendment, and I reserve the balance of my time.

Mrs. LAWRENCE. Mr. Chairman, I would really feel challenged to think that my colleague is unaware that there are young girls who are teenagers who work in restaurants and other businesses, not because their parents want them to have activities but because they are literally trying to survive and feed themselves and sometimes their brothers and sisters, and to say that it is not necessary for us to have data and not just stand at a mike as an elected official and make assumptions based on your own privilege of life.
I think it is imperative that we look at the data, and here I am saying that—before I can say and validate the status of teenage girls—I would want statistics and reports so that we can truly address the inequality that girls often face. I do not want to see a list that a young boy who is working, he needs the pay and often is given a larger amount of money versus a girl—and every girl is not a babysitter, but if we want to call this the babysitter amendment, I will agree to it.

As we work to address the pay gap, it is important that we do not forget our new generation of leaders, and it is about breaking a cycle, about having a young girl who is working, and she understands that I have value and that I too should be paid an equal pay.

Mr. Chair, I yield back the balance of my time.

Ms. FOXX of North Carolina. Mr. Chairman, I know that my colleague was not on the floor earlier when I spoke and told of my need to work even before I was a teenager, and I worked for survival. So I know that she did not know that and did not know that I do not know the fact that any young people in this country are like I was and working to help support their families so that they have food and they are able to survive.

I do not take lightly anyone’s work in this country. I worked hard all my life, and I have always wanted to be paid equally with men, and I know there were times I was not. So I understand that, I never want to see anyone discriminated against in this country. I have always wanted not to see a woman discriminated against for equal pay when she is doing the job that a man is doing.

I wish with all my heart that we were improving the Equal Pay Act and the Civil Rights Act and helping to make things better for women with H.R. 7. We are not. We are lining the pockets of trial lawyers and in many cases will be harming women. This amendment stereotypes young women because it mentions babysitting. That is where the stereotypes come in, in this amendment, and that is unfortunate.

We do have a younger generation, and we have women who can do any job that any man can do, and she should be paid equally for it. But neither this study nor this bill is going to guarantee that.

Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Michigan (Mrs. LAWRENCE).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. BROWN OF MARYLAND

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in part B of House Report 116-19.

Mr. BROWN of Maryland. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 7, line 23, insert after “employee” the following: “(such as by inquiring or discussing with the employer why the wages of the employee are set at a certain rate or salary)”

The Acting CHAIR. Pursuant to House Resolution 252, the gentleman from Maryland (Mr. BROWN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland. Mr. BROWN of Maryland. Mr. Chairman, I yield myself such time as I may consume.

Let me start by saying that it is a privilege to be able to stand on the floor of the U.S. House of Representatives in this year, in this term, and in this session of Congress to participate in the debate and the discussion and to offer an amendment on this historic bill, the Paycheck Fairness Act.

I would like to first thank my friend and colleague, the chairman of the committee, BOBBY SCOTT from Virginia, for his leadership on this issue and this bill. I want to recognize the decades of work of my colleague from Connecticut, Congresswoman ROSA DELAUR, on the underlying bill and her efforts, along with many other women, including Maryland’s former Senator Barbara Mikulski to finally ensure these women are paid and treated fairly in the workplace.

My amendment would enhance pay transparency protections in this bill. This amendment would make it unlawful for an employer to discriminate against an employee for simply discussing or inquiring why they are being paid a certain wage or salary.

Mr. Chairman, if you found out that you were being paid less than your colleagues for the same work, you would probably demand to be paid more. But for too long, it has been considered taboo to discuss your salary with your coworkers let alone confront your boss if you were being paid unfairly.

When pay is transparent, organizations must be able to justify each employee’s salary, thus reducing or eliminating any type of bias.

That is why the Paycheck Fairness Act puts transparency front and center and why my amendment goes a little further and gives every employee the right to negotiate the higher pay.

Since Congress has not been able to act over the past several years, States have led the way in promoting pay transparency, including California, Illinois, Louisiana, and my State of Maryland. In Maryland we added very broad pay transparency protections to ensure employees the ability to discover and discuss disparities in pay, and we even expanded prohibitions against discriminatory pay practices to include gender identity, an item that I would hope that this Congress may take up later this session.

But my amendment today reiterates the importance of transparency in the workplace. Every employee should be able to advocate and negotiate for themselves without fear of reprisal. According to the Carnegie Mellon study, men are four times more likely than women to ask for a raise, and when women do ask, they typically request 30 percent less than men do.

We should be encouraging employees, regardless of their gender, to inquire and discuss disparities in pay with their employers and advocate for themselves if they aren’t being paid fairly or if it is simply time they received a well-deserved raise.

Mr. Chairman, at a time when wages are not rising fast enough, Congress must ensure every working American is paid equally and fairly and is empowered throughout their salary negotiation process.

I reserve the balance of my time.

Ms. FOXX of North Carolina. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentlewoman from North Carolina is recognized for 5 minutes.

Ms. FOXX of North Carolina. Pay disparity is an issue that is burdened on the basis of sex, and it is, importantly, violates two Federal statutes.

Retaliation by an employer against an employee for pursuing reasonable discussion or inquiry regarding potentially discriminatory compensation is wrong, and it, too, is illegal.

However, like the rest of this bill, the expanded nonretaliation provision in H.R. 7 goes too far, and this amendment takes it even further.

Under current law, those who inquire about, discuss, or disclose compensation information in a reasonable manner and with a good faith belief that an unlawful pay disparity may exist are protected from unlawful retaliation.

However, the underlying provision in H.R. 7 regarding pay disclosures and discussion has no limits at all.

The inquiry, discussion, and disclosure allowed under this bill is not required to be reasonable nor related to any perceived pay disparity and raises serious privacy concerns for all employees, especially in the age of social media.

H.R. 7 takes away an employee’s ability to control disclosure of information about their own pay. It also limits an employer’s ability to protect what should be confidential information about employees.

Congress should focus on policies that promote opportunity and options for all workers. This amendment does not further this purpose.

Mr. Chair, I urge my colleagues to protect workers’ privacy rights by opposing this amendment and the underlying bill, and I reserve the balance of my time.

Mr. BROWN of Maryland. Mr. Chair, unfortunately, historically, the cloak of confidentiality has often been the shield used by employers to discriminate against women when it comes to paycheck fairness.
I encourage all my colleagues to support my amendment and the underlying bill, and I yield back the balance of my time.

Ms. FOXX of North Carolina. Mr. Chairman, once again, I reiterate my opposition to the underlying bill and to this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Maryland (Mr. Brown). The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. BEYER

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, the unfinished business is the demand for a recorded vote on amendment No. 7 printed in part B of House Report 116–19 offered by the gentleman from Virginia (Mr. BEYER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment in the nature of a substitute, as amended.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 406, noes 24, not voting 7, as follows:

[Roll No. 132]

AYES—406

Abraham
Adams
Aderholt
AgUILAR
Aldredge
Amash
Armstrong
Bass
Bech am
Beatty
Bera
Berman
Bilirakis
Bishop (GA)
Bishop (UT)
Blumenauer
Blunt
Bonamici
Bost
Boyce
Brady
Brindisi
Brooks (AL)
Brooks (IN)
Brown (MD)
Brownley (CA)
Buchanan
Buck
Buchwald
Budd
Burgess
Bustos
Butler
Byrne
Calvert
Carabajal
Cardenas
Carlson (IN)
Carter (GA)
Cartwright
Caso
Castronuovo
Harder (CA)
Harris
Hartlerode
Hastings
Hayes
Heck
Herrera Beutler
Hice (GA)
Higgins (LA)
Higgins (NY)
Hill (AR)
Hill (CA)
Himes
Holding
Hollingsworth
Horn, Kendra S.
Horser
Houlahan
Hoyer
Howard
Huffman
Huenerga
Hummel
Hunten
Hunt (TX)
Jackson
Jackson
Jackson
Jakob
Jankowski
Kaptur
Katz
Keating
Kelly (IL)
Kelly (MI)
Kelly (PA)
Kennedy
Khanna
Kildee
Kilmer
Kim
King
Kinzinger
Kirkpatrick
Kratz
Kuster (NH)
Kustoff (TN)
Lange
LaMalfa
Lamb
Lamborn
Langevin
Larsen (WA)
Larsen (CT)
Latona
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Levin (CA)
Levin (MI)
Lewis
Liu, Ted
Lipinski
Locksley
Lofgren
Long
Longworth
Lowey
Lucas
Laughran
Marchant
Marsall
Mast
Matsui
McAdams
McCarthy
McCaul
McClintock
McCollo
McElhiney
McHenry
McKinley
McNulty
McNulty
Meehan
Meng
Menendez
Miller
Mitchell
Moore
Morello
Morse
Nadler
Napoli
Norton
Nunes
Norcross
Norton
O'Halleran
Oscoeur-Curtis
Oval
Omar
O'Malley
Pagano
Pallone
Panetta
Pappas
Pascarella
Pay
Penelope
Pernetti
Perlmutter
Putnam
Petersen
Phillips
Phelan
Pocan
Porter
Portman
Presley
Price (NC)
Price
Raskin
Reed
Reed
Resenthalther
Rice (NY)
Richmond
Roberts
Roe, David P.
Rogers (AL)
Rogers (KY)
Roe, David P.
Roe
Rogers
Rutherford
Ryan
Sablan
Sanchez
Sanchez
Sarasota
Saul
Schakowsky
Schiff
Schneider
Schneider
Schrier
Scott (VA)
Scott
Scott
Sensenbrenner
Serrano
Shalala
Sherrill
Shingubs
Simmon
Sires
Skelton
Smith (MO)
Smith (NE)
Smith (MD)
Smucker
Soto
Spanberger
Spence
Stanton
Stark
Stefanik
Steil
Stivers
Suozzi
Swallow
Takano
Taylor
Thompson (CA)
Thompson (MD)
Thompson (PA)
Thrower
Tipton
Titus
Tonko
Torres (CA)
Torres (NM)
Tran
Tran
Turner
Underwood
Upton
Van Buren
Varney
Veolia
Vela
Velasquez
Villegas
Walberg
Walden
Walker
Waltz
Wasserman Schultz
Watkins
Watson Cole
Webster
Webster
Weld
Western
Westmore
Wexton
Wild
Williams
Wilson (FL)
Womack
Woodall
Wright
Yarmuth
Yoho
Young
Zeldin

NOT VOTING—7

DesJarlais
Ratovagen
Granger
San Nicolas
Flakstead
Wilson (SC)

□ 1702

MESSRS. SCHWEIKERT, MOONEY of West Virginia, FERGUSON, RIGGLEMAN, and PALMER changed their votes from "aye" to "no."

MOTIONS TO RECOMMIT

Ms. FOXX of North Carolina. Madam Speaker, I have a motion to recommit the bill to the Committee of the Whole.

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMEND

Ms. FOXX of North Carolina. Madam Speaker, I move a motion of recommit to the desk.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

Ms. FOXX of North Carolina. Madam Speaker, in its present form, I am.

Mr. SCOTT of Virginia. Madam Speaker, I reserve a point of order on the motion of the SPEAKER pro tempore. A point of order is reserved.

The Clerk will read the motion to recommit.
Ms. FOX of North Carolina moves to recommit the bill H.R. 7 to the Committee on Education and Labor with instructions to report the same back to the House forthwith, with the following amendment: 

In section 3(c)(5)—

(1) strike “and” at the end of subparagraph (A); (2) redesignate subparagraph (B) as subparagraph (C); and (3) insert after subparagraph (A), the following: 

(b) by inserting after “defendant” the following: “except that any contingent attorney’s fees shall not exceed 49 percent of any judgment awarded to the plaintiff or plaintiffs.”

The SPEAKER pro tempore. The gentlewoman from North Carolina is recognized for 5 minutes.

Ms. FOX of North Carolina. Madam Speaker, I am here to offer a motion to recommit that is about honesty.

It is about making sure that any woman who experiences unfair and illegal wage discrimination just because she is a woman doesn’t go through all the hardship of a legal battle only to see her lawyer walk away with even more of her money.

With this motion to recommit, if a plaintiff has entered into a contingency fee arrangement in Equal Pay Act litigation, the attorney’s contingency fee, including costs, will not exceed 49 percent of the judgment awarded to the plaintiff.

If adopted, it will ensure that the individual who has brought the claim actually receives a majority of the judgment and that the attorney doesn’t collect the lion’s share.

The authors of H.R. 7 failed to include the tepid new legal protections for workers against discrimination. Instead, the bill alters the Equal Pay Act to allow unlimited compensatory damages even when there is no intentional discrimination, and unlimited punitive damages. It also expands class action lawsuits.

H.R. 7 makes it impossible in many cases for employers to defend against Equal Pay Act claims even when there is a legitimate business reason for a pay differential.

H.R. 7 creates special incentives and awards for trial lawyers.

For working women who have been taken advantage of by their bosses, it sets them up to lose out again.

H.R. 7 encourages trial lawyers to file more lawsuits of questionable validity and to drive workers into the suits without their knowledge for the purpose of siphoning off the new pool of unlimited compensatory and punitive damages created by H.R. 7, lining their own pockets at the expense of plaintiffs.

A similar amendment capping lawyers’ contingency fees at 15 percent was offered by Mr. BYRNE when H.R. 7 was considered in committee. Every Democrat on the Education and Labor Committee opposed this modest change. If this amendment is adopted, trial lawyers will have to somehow make due with 49 percent of the overall judgment, and we all know that trial lawyers siphon off more than this amount in many of their class action cases.

Victims of true pay discrimination should be the true beneficiaries of any judicial favor. This amendment will help ensure this outcome in Equal Pay Act cases.

Madam Speaker, supporters of H.R. 7 say the bill is about helping victims of pay discrimination. If that is true, then all Members should support this reasonable proposal.

All we are asking is that if our colleagues are so intent on giving trial lawyers a bigger piece of the pie, then consider giving working women more than a few crumbs.

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

Mr. SCOTT of Virginia. Madam Speaker, I rise in opposition to the motion to recommit. The SPEAKER pro tempore. The reservation of a point of order is withdrawn.

Ms. WILD. Madam Speaker, I rise in opposition to the motion to recommit. The SPEAKER pro tempore. The gentlewoman from Pennsylvania is recognized for 5 minutes.

Ms. WILD. Madam Speaker, I am opposed to all caps on attorney’s fees in this type of case.

The only criteria for the amount of attorney’s fees charged should be reasonableness in the context of the case itself.

I have spent more than 30 years in courtrooms, most of that time representing the defense in civil matters, almost always for companies; in other words, against the very trial lawyers we speak of.

So I have no bias in favor of those lawyers, but let me tell you this: representing plaintiffs in employment cases is a very hard job. These lawyers work for every penny they earn. They take cases that put their own livelihood at risk.

Many employment cases take years to resolve. Often they have to go to court over and over to litigate discovery and pretrial matters, and all the while, they are not collecting a paycheck from that case, because they have taken it on a contingent fee basis. Without an award at the end of the case, they receive nothing, and they advance out-of-pocket expenses.

But even more important, without these lawyers, low-income female employees with legitimate grievances would have no recourse. Only with a competent lawyer’s help can they proceed.

This motion, if passed, would discourage lawyers from taking these cases. And if they don’t take these cases, employees, workers, families lose out.

The only test for attorney’s fees should be reasonableness. Courts and judges are well equipped to determine whether a fee is reasonable, far better equipped than Congress is.

Madam Speaker, I yield to the gentleman from New Jersey (Ms. SHERRILL).

Ms. SHERRILL. Madam Speaker, I rise today in opposition to the motion to recommit offered by the gentleman from North Carolina.

There are few things that define us as a country more distinctly than the idea of the American Dream: the idea that anyone can make it here through hard work and dedication. That dream rests on giving people a fair shot.

Right now, too many people in this country just aren’t getting a fair shot, and women in this country face additional barriers because they simply are not paid equally for their work.

Madam Speaker, this bill, H.R. 7, supports paycheck fairness because equal pay for equal work is about respect, and in New Jersey we know respect. I know what paycheck fairness looks like because we just passed it in New Jersey. It is high time that Congress ensures these commonsense values for the rest of the women across this country.

I have listened to objections raised today that women already have protections for equal pay. Well, let me assure you that the protections in our laws are not adequate.

I rise today, Madam Speaker, for women who are earning just 80 cents on every dollar. I rise for our African American women who are only earning 61 cents on the dollar. I rise today for Hispanic women who are only earning 53 cents on the dollar.

Madam Speaker, I rise today for American women and for their families so we can give them a fair shot, like a woman in my district who, despite being a single mom helping to pay off her children’s college debt, was passed over for a raise because her coworker had a family to support, or another who found that she was being paid less than her male coworkers after years of performing the same job and with the same seniority.

And, Madam Speaker, I am fighting today for my two daughters so they have the same opportunities and the same rights as my two sons.

In the House, we know what our coworkers are making. We can look it up. We need our constituents to have that same opportunity.

Madam Speaker, I have joined my colleagues on the other side of the aisle in the past on their motions. I believe deeply in this body to come together today to focus on issues that matter to our families. It is time for my colleagues to join me, because supporting women, supporting families, and supporting the American Dream is a shared value for the

I know in New Jersey the equal pay bill passed with broad bipartisan support. In fact, in the entire State senate...
and assembly, there were only two people who voted against it. If there were ever a moment, if there were ever a bill, if there were ever a time to put obstruction aside, it is now. The motion put forth has nothing to do with equal pay, and I urge my colleagues to reject it.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

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

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

[A recess was ordered.]

Ms. FOXX of North Carolina. Madam Speaker, I do not record the vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 191, nays 236, not voting 4, as follows:

[Roll No. 133]

Ayes—191

Abraham
Adelhart
Alien
Amodei
Armstrong
Arbuckle
Arbogast
Arrington
Arrington
Ass涧
Atkins
Axne
Barragán
Barron
Beatty
Bero
Beyor
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brindisi
Brown (MD)
Brownley (CA)
Burgess
Cain
Carter (GA)
Byrne
Baird
Arrington
Allen
Aderholt
not voting 4, as follows:

Colleagues to reject it.

The SPEAKER pro tempore. This is a 5-minute vote.

The question was taken; and the result of the vote was announced as re- jected.

The vote was taken by electronic device, and there were—ayes 242, nays 187, not voting 3, as follows:

[Roll No. 134]

AYES—242

Adams
Agullo
Ailert
Alize
Barragan
Barron
Beatty
Beyor
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brindisi
Brown (MD)
Brownley (CA)
Burgess
Cain
Carter (GA)
Byrne
Baird
Arrington
Allen
Aderholt
not voting 4, as follows:

Concurring in the resolution.

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

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

Ms. FOXX of North Carolina. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The yeas pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 242, nays 187, not voting 3, as follows:

[Roll No. 134]
The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

Resolved, 

SECTION 1. COMMITTEE EXPENSES FOR THE ONE HUNDRED SIXTEENTH CONGRESS.

(a) IN GENERAL.—With respect to the One Hundred Sixteenth Congress, there shall be paid out of the applicable accounts of the House of Representatives, in accordance with this primary expense resolution, not more than the amount specified in subsection (b) for the expenses (including the expenses of all staff salaries) of each committee named in such subsection.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are:

<table>
<thead>
<tr>
<th>Committee Name</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Committee on Agriculture</td>
<td>$11,513,328</td>
</tr>
<tr>
<td>Committee on Armed Services</td>
<td>$13,350,222</td>
</tr>
<tr>
<td>Committee on Budget</td>
<td>$3,597,696</td>
</tr>
<tr>
<td>Committee on Homeland Security</td>
<td>$1,812,502</td>
</tr>
<tr>
<td>Committee on the Judiciary</td>
<td>$2,147,384</td>
</tr>
<tr>
<td>Committee on Ethics</td>
<td>$7,015,392</td>
</tr>
<tr>
<td>Committee on Financial Services</td>
<td>$14,740,724</td>
</tr>
<tr>
<td>Committee on Homeland Security</td>
<td>$3,215,392</td>
</tr>
</tbody>
</table>

(c) VOUCHERS.

Payments under this resolution shall be made on vouchers approved by the Speaker or the Chair of the Committee involved, signed by the chair of such committee, and approved in the manner directed by the Committee on House Administration.

SEC. 2. FIRST SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2019, and ending immediately before noon on January 3, 2020.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are:

<table>
<thead>
<tr>
<th>Committee Name</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Committee on Agriculture</td>
<td>$5,756,664</td>
</tr>
<tr>
<td>Committee on Armed Services</td>
<td>$15,308,002</td>
</tr>
<tr>
<td>Committee on Oversight and Reform</td>
<td>$10,380,424</td>
</tr>
<tr>
<td>Committee on the Climate Crisis</td>
<td>$15,308,002</td>
</tr>
</tbody>
</table>

(c) VOTES.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

SEC. 3. SECOND SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2020, and ending immediately before noon on January 3, 2021.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are:

<table>
<thead>
<tr>
<th>Committee Name</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Committee on Agriculture</td>
<td>$5,190,212</td>
</tr>
<tr>
<td>Committee on Education and Labor</td>
<td>$7,289,397</td>
</tr>
</tbody>
</table>

(c) VOTES.

Amounts made available under this section shall be expended in accordance with regulations prescribed by the Committee on House Administration.