

hunger, stop the dying. In fact, it is time to be a leader.

So I will continue to work for food funding assistance at a level that does not turn a blind eye to the suffering in the world, nor the danger to the world community. So I ask other Senators to join me in stating support to fight this perfect storm of world hunger and to support action to do something about it.

Mrs. BOXER. Mr. President, tomorrow we will have a vote to proceed—

The PRESIDING OFFICER. The Senator has an order to recess.

Mrs. BOXER. I ask unanimous consent to speak for up to 6 minutes as in morning business.

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

Mrs. BOXER. Mr. President, I thank you all for indulging me.

FAIR PAY ACT

Tomorrow we will have a vote to proceed to the Lilly Ledbetter Fair Pay Restoration Act. Four of my Democratic female colleagues spoke on this earlier today—four or five. I wanted to add my voice to their voices because, as I stand on the floor of the Senate some 45 years after passage of the Equal Pay Act, it is unfortunate that workers throughout the Nation will suffer pay discrimination based on gender, race, religion, national origin, disability, and age. They still suffer this.

We still have a long way to go on equal pay for equal work. It stuns some people to learn that women still earn 23 percent less than men, and the pay disparity is still so great that it takes a woman 16 months to earn what a man earns in 12 months.

In 2006, an average college-educated woman working full time earned \$15,000 less than a college-educated male. According to the American Association of University Women, working families lose \$200 billion in income per year due to the wage gap.

This is an important point because so many women now work. We know this. So families are struggling to make ends meet with higher gas prices, higher college tuition, higher food prices, higher health care, all of that. We know there is not an easy solution that will eliminate all pay discrimination, but the bill we hope to go to tomorrow, the Equal Pay Restoration Act, will ensure that when an employer discriminates based on gender or race or any other factor, the employee can take his or her case to court.

There was a very bad decision that was made by the Supreme Court which reversed decades of legal precedent, and this was the Ledbetter decision. With its decision, the Court imposed a serious obstacle for equality, equal pay, by requiring workers to file a pay discrimination claim within 180 days of when their employer first starts discriminating.

Now, that is an impossible standard to meet. You really do not know when that moment occurs. What was important about this decision is it threw out

the law that had always worked well and would have protected people such as Lilly Ledbetter from discrimination.

Her story is not unfamiliar to many female employees. She was a female, she was a manager at an Alabama Goodyear Tire plant when she discovered, after 19 years of service, that she was earning 20 to 40 percent less than her male counterparts for doing the exact same job.

It took her a long time to ferret this information out. As Justice Ginsburg noted in her dissenting opinion, the pay discrepancy between Ledbetter and her 15 male counterparts was stark. In 1997, her last year of employment at Goodyear, after 19 years of service she earned \$5,600 less than her lowest paid male coworkers, and she earned over \$18,000 less than her highest paid male coworkers.

Evidence submitted at her trial showed that Mrs. Ledbetter was denied raises, despite receiving performance awards, and in some cases female supervisors at the plant were paid less than the male employees they supervised.

So when Ms. Ledbetter discovered this, she took Goodyear to court, and the jury awarded her full damages. But the company, Goodyear, appealed the jury's decision.

In 2007 the Supreme Court made this very bad decision and said she could not sue for back pay despite—and with which they agreed—the overwhelming evidence that her employer had intentionally discriminated against her because of her gender.

But, they said, it took Lilly Ledbetter longer than 6 months to determine she had been a victim of years of pay discrimination. So, in other words, because it took her more than 6 months to figure this out, she was denied any kind of help.

It does take a significant amount of time in many cases for the truth to be known. Here in the Capitol, if you work for the Government, everybody's pay is on record. And you can see it; it is a public document. But in a private sector plant there may be no way to find out.

As Justice Ginsburg pointed out: Compensation disparities are often hidden from sight for a number of reasons. Many employers do not publish their employees' salaries, and other employees are not anxious to discuss what they earn. So this controversial decision is having serious impacts.

In the 10 months since the decision was handed down, the Ledbetter precedent has been cited 207 times by Federal district courts and courts of appeal. So it means, it seems to me from what I gather, from that statistic alone, many people are being denied equal treatment under the law: equal pay, equal treatment.

So what does the bill do that we want to go to, we Democrats on Wednesday, tomorrow? It simply restores the law to what it was in almost every State in the country before the Ledbetter case

was decided. It does so by helping to eliminate the unreasonable barrier created by the Supreme Court and allows workers to file a pay discrimination claim within 180 days of each discriminatory paycheck. That was the law before Ledbetter.

The Ledbetter decision was a giant step backward in the fight for equal opportunity and equal rights. Goodyear engaged in chronic discrimination against female employees, but because of the Ledbetter decision, the Court must treat intentional ongoing pay discrimination as lawful conduct.

Employers who can conceal their pay discrimination for 180 days can continue this practice, and there is no redress. We must ask ourselves: Is this the standard that Congress should be proud of? Is this the kind of standard that we should support, where somebody is treated in an unfair fashion, is paid less than somebody else simply because of their gender?

It is not right. It seems to me, if we are going to have fairness and justice in America today, the least we can do is overturn the Ledbetter decision. Justice Ginsburg told us: "Congress, the ball is in your court."

That is why I am so pleased that Senator REID is bringing this opportunity before us tomorrow. Today, as we reflect upon the importance of fairness and equity to our society with a celebration of Equal Pay Day, we must restore this important protection and return the law to its meaning. I hope tomorrow when we get a chance to move to this bill our colleagues will all vote aye because what is fair is fair and what is wrong is wrong. We need to fix this problem. Equal pay for equal work is a value that we should hold dear.

RECESS

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

Thereupon, the Senate, at 12:45 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. DURBIN).

VETERANS' BENEFITS ENHANCEMENT ACT—MOTION TO PROCEED—Continued

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LEVIN). Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

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

DIVER HEROES OF THE CHICAGO FIRE DEPARTMENT

Mr. DURBIN. Mr. President, I ask a few minutes of the Senate's time to