

## Support the Paycheck Fairness Act (H.R. 1338)

July 21, 2008



The Honorable George Miller  
Chairman  
Committee on Education and Labor  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Howard "Buck" McKeon  
Ranking Member  
Committee on Education and Labor  
U.S. House of Representatives  
Washington, DC 20515

AAUW

Dear Chairman Miller and Ranking Member McKeon:

On behalf of the 100,000 bipartisan members of the American Association of University Women, we urge you to support the **Paycheck Fairness Act** (H.R. 1338), which the Committee is set to markup on Thursday. This legislation will update the Equal Pay Act of 1963, which is one of the primary laws that addresses wage discrimination. **AAUW also urges you to oppose any amendments that would weaken the bill.**

Although the recent Supreme Court decision in the *Ledbetter* case focused on Title VII, AAUW believes now is the time to strengthen all pay discrimination laws – including the Equal Pay Act – by supporting proactive measures like the Paycheck Fairness Act. In doing so, Congress can demonstrate its resolve to reduce pay inequalities and clarify and strengthen current statute in an effort to prevent future problematic court decisions.

**The Paycheck Fairness Act, which currently has 228 cosponsors, will strengthen the Equal Pay Act – passed more than 45 years ago – and as a result improve the law's effectiveness,** and help to address the persistent wage gap between men and women. The Paycheck Fairness Act would:

- Clarify acceptable reasons for differences in pay by requiring employers to demonstrate that wage gaps between men and women doing the same work are truly a result of factors other than sex.
- Deter wage discrimination by strengthening penalties for equal pay violations, and by prohibiting retaliation against workers who inquire about employers' wage practices or disclose their own wages. The bill's measured approach would ensure that women can obtain the same remedies as those subject to discrimination on the basis of race or national origin. AAUW would strongly oppose any efforts to add such caps.
- Provide women with a fair option to proceed in a class action suit under the Equal Pay Act, and allow women to receive punitive and compensatory damages for pay discrimination.
- Clarify the establishment provision under the Equal Pay Act, which would allow for reasonable comparisons between employees to determine fair wages.
- Authorize additional training for Equal Employment Opportunity Commission staff to better identify and handle wage disputes.
- Aid in the efficient and effective enforcement of federal anti-pay discrimination laws by requiring the EEOC to develop regulations directing employers to collect wage data, reported by the race, sex, and national origin of employees.
- Require the U.S. Department of Labor to reinstate activities that promote equal pay, such as: directing educational programs, providing technical assistance to employers, recognizing businesses that address the wage gap, collecting wage-related data, and conducting and promoting research about pay disparities between men and women.

- Establish a competitive grant program to develop salary negotiation training for women and girls.

Wage disparities are not simply a result of women's education levels<sup>1</sup> or life choices.<sup>2</sup> Further, this persistent wage gap not only impacts the economic security of women and their families today; it also directly affects women's retirement security down the road. Now is the time for additional proactive measures to effectively address wage discrimination and eliminate loopholes that have hindered the Equal Pay Act's effectiveness. **Again, we urge you to vote yes on the Paycheck Fairness Act, and oppose any weakening amendments.**

AAUW believes that equal pay for equal work is a simple matter of justice. We have been fighting for equal pay for American women since 1913, and we will continue until women receive the equal pay they deserve. If you have any questions, please do not hesitate to contact me at 202/785-7720, or Tracy Sherman, government relations manager, at 202/785-7730.

Sincerely,



Lisa M. Maatz  
Director, Public Policy and Government Relations

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<sup>1</sup> U.S. Department of Education, National Center for Education Statistics. 1993/2003 Baccalaureate and Beyond Longitudinal Study.

<sup>2</sup> Bureau of Labor Statistics. Employment Status of Women by Presence and Age of Youngest Child, Marital Status, Race, and Hispanic or Latino Ethnicity, 2004. <http://www.bls.gov/cps/wlf-table6-2005.pdf> Accessed December 21, 2006.