

**Honorable George Miller (D-CA)**  
**Chairman, House Education and Labor Committee**  
**Opening Statement at Committee Mark-Up of H.R. 1338,**  
**The Paycheck Fairness Act**  
**Thursday, July 24, 2008**

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In 1963, the Equal Pay Act was passed to end the discriminatory practice of paying men and women differently for performing the same job. The law's principle is that women and men should be paid based on their merits, not on an employer's prejudices.

Before the Equal Pay Act, women in the workplace were paid 59 cents on the dollar compared to their male counterparts.

Although the wage gap between men and women has narrowed since the Equal Pay Act, gender-based wage discrimination remains a significant problem.

According to the Census Bureau, women make 77 cents for every dollar earned by a man. This wage disparity may cost a woman anywhere from \$400,000 to \$2 million over a lifetime in lost wages.

And the Economic Policy Institute found that median pay for women dropped 20 cents in recent years, while men's pay increased by nearly two dollars over the same period.

And this loss of income follows women into retirement in the form of a smaller pension and a reduced social security benefit.

The case of Lilly Ledbetter reminded us that unequal pay is still a part of our economy. Ledbetter worked for nearly two decades at Goodyear. She sued the company soon after learning that she was paid less than her male counterparts for several years.

Although a jury found that her employer had unlawfully discriminated against her, the U.S. Supreme Court nullified the jury's verdict by rejecting long-standing law.

The practical result of this case was that, while the jury found that the company paid her less because she was a woman, the company owed her nothing.

I'm proud that the House moved quickly to address this outrageous ruling by passing the Lilly Ledbetter Fair Pay Act.

While I hope the Senate will be able to overcome a Republican filibuster and pass that bill this year, there is still much more to be done to end the practice of unequal pay.

Today, we will take a critical step forward to ensure that the Equal Pay Act lives up to its promise.

The Paycheck Fairness Act will strengthen the Equal Pay Act and close many of the loopholes that have allowed employers to avoid responsibility of discriminatory pay.

Currently, an employer can refute a pay discrimination claim if he proves that the difference in pay is based on any factor other than sex – even factors unrelated to the job. An excuse for unequal pay that is not related to the job is no excuse at all.

H.R. 1338 will ensure that employers either provide equal pay for equal work or provide a real business justification for not doing so.

They will have to show that any gender-based wage differential is job-related, not derived from past discrimination, and is based on a business necessity.

H.R. 1338 will also prohibit employers from retaliating against employees who discuss their pay. Lilly Ledbetter testified that she was unaware that she was being paid less than her male counterparts because her employer had a corporate policy against employees sharing salary information.

Such policies silence workers and allow employers to hide discriminatory pay practices. Employees should feel free to discuss their pay – it's often the only way employees can discover discriminatory pay practices and seek to rectify them.

The bill will also put gender based discrimination sanctions on equal footing with other forms of discrimination by allowing women to sue for punitive damages in addition to compensatory damages, just as businesses may do under Section 1981 or workers may do under Title VII.

If we are serious about closing the gender pay gap, we must get serious about punishing those who would otherwise scoff at the weak sanctions under current law.

The Paycheck Fairness Act will require the Department of Labor to continue collecting pay information based on gender. It includes a number of other improvements to current law as well as programs designed to encourage equal pay for equal work.

Any wage gap based on gender is unacceptable, especially during these tough economic times. By allowing wage discrimination to continue, we hold down women and their families while harming the American economy as a whole.

In the new global economy, those who stand in the way of equal pay are tying one hand behind America's back.

I would like to thank Congresswoman Rosa DeLauro for her tireless leadership on this bill, and the 230 co-sponsors for taking a strong stand against unequal pay.

I urge all my colleagues to support this bill.

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