

**REMARKS OF THE HON. ROSA L. DELAURO
TESTIMONY: PAYCHECK FAIRNESS ACT
JOINT HEARING: SUBCOMMITTEE ON WORKFORCE PROTECTIONS AND
SUBCOMMITTEE ON CIVIL RIGHTS AND HUMAN SERVICES
THURSDAY, FEBRUARY 13TH, 2019**

Thank you. I am pleased to be here. I want to thank Chairman Bobby Scott, as well as Subcommittee (on Civil Rights and Human Services) Chair Suzanne Bonamici and Subcommittee (on Workforce Protections') Chair Alma Adams. I am honored to have this opportunity to testify about the Paycheck Fairness Act. Let me also recognize the Ranking Member of the full committee, Virginia Foxx, as well subcommittee Ranking Members James Comer and Bradley Byrne, and all the members of the Committee for welcoming me here this afternoon.

The issue and the environment have collided. The House just welcomed its most diverse class in its history, including the most female members ever. And, equal pay is at the center of the discourse.

For decades, we have pushed and battled to strengthen the Equal Pay Act of 1963 to ensure that women make the same pay for the same work.

And right now, the moment and the Congress have intersected. So, we must seize this moment to make all men and women whole, to enable them to fully contribute to the richness of America, and to pass Paycheck Fairness.

The Paycheck Fairness Act would toughen remedies in the Equal Pay Act of 1963 to give America's working women the opportunity to fight against wage discrimination and receive the paycheck they should have earned.

Whether through the Equal Pay Act or Title VII, current law makes it difficult for women to proceed with equal pay cases. Even if a case proceeds and women are awarded a legal victory, the damages are often insubstantial, providing women with little

compensation and employers with little deterrent from practicing future wage discrimination.

Some claim the wage gap is a myth. Yet, women continue to earn 20 percent less than men, on average, according to Census data. And, women of color suffer most acutely. Latinas make only 53 cents on the dollar when compared to white, non-Hispanic men. Over a career, they could lose over a million dollars. We must also recognize that the lack of pay equity translates into less income toward calculating pension, retirement, and in some cases Social Security benefits.

Opponents also claim that that women who are underpaid are free to find another job, but women having to flee jobs because of discrimination is not the answer, especially, when they may not know for years that their wages have been tainted by discrimination. Changing jobs places the burden on those who have been injured and is certainly cold comfort for those in areas

where job options are limited or for mothers living paycheck to paycheck with no cushion to be able to look elsewhere. We need to give workers new tools to challenge discrimination and provide incentives for employers to comply with the law in the first place.

Others insist that the 20 percent figure does not take into account education and experience. But the truth is that gap barely closes among women with college degrees. Research by the American Association of University Women (AAUW) found that just one year after college graduation, women earn only 82 % of what their male counterparts earn, and when controlling for a variety of factors that influence earnings, there still remains a 7 percent unexplained wage gap.

The fact is that 60 years after President Eisenhower called for equal legislation and more than 55 years after President Kennedy signed the Equal Pay Act, pay discrimination is still very much a

reality in our country.

In 2017, there were 25,605 charges of unlawful, sex-based pay discrimination with the U.S. Equal Employment Opportunity Commission and 996 Equal Pay Act charges.

Of course, by now, we are all familiar with the case of Lilly Ledbetter. Her bosses said, quote, “their plant did not need women. That women did not help and in fact, they caused problems.” Well, a jury found that, YES, Lilly had been discriminated against, and awarded her \$3.8 million in back pay and damages, which the Supreme Court dramatically reduced to zero as it closed the court room door to all women. We reopened that door with the Lilly Ledbetter Fair Pay Act, but the underlying issue, of pay discrimination remains.

It is a systemic, discriminatory barrier. And, just as our country has done to bring down other discriminatory barriers, we

must use the collective power of the American people, in the form of the U.S. Congress, to ensure women have the power to gain economic security for themselves and their families.

Under the Paycheck Fairness Act any employee can sue for compensatory and punitive damages without facing the arbitrary caps they face under Title VII. The bill would also protect employees from retaliation for sharing salary information with their co-workers, with some exemptions. And it would establish a grant initiative to provide negotiation skills training programs for girls and women.

Let me also be clear about what the bill does not do. It does not eliminate key employer defenses against claims of discrimination. The bill simply makes clear that when an employer states that its pay scale is informed by a “factor other than sex,” that must actually be true, and not just an excuse to continue discriminatory practices. HR 7 merely restores Congress’s intent,

which has been undermined by court interpretations over the years allowing employers to escape liability in cases in which their decisions were, in fact, based on sex.

Finally, H.R. 7 does not include any new mandates or federal government guidelines about the relative worth of different types of jobs.

Again, I would like to thank the Committee for this opportunity to testify and for addressing this critical issue.

When President Kennedy signed the Equal Pay Act over 55 years ago, he said that it would [quote]: “*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 twice passed Paycheck Fairness: in 2008 and 2009. But, now, in the 116th Congress in which we welcomed the most women in our history, we must get it into law.

We have the opportunity to make good on the promise that presidents of both parties have made. Let us seize it.