



July 22, 2008

Dear Representative:

On behalf of the National Women's Law Center, we urge you to support the Paycheck Fairness Act (H.R. 1338) when it is marked up by the Education and Labor Committee on July 24, 2008. We further urge you to reject any weakening amendments that may be proposed during the markup.

Forty-five years ago, President Kennedy signed the Equal Pay Act (EPA)<sup>1</sup> into law, making it illegal for employers to pay unequal wages to men and women who perform substantially equal work. At the time of the EPA's passage in 1963, women earned merely 59 cents to every dollar earned by men.<sup>2</sup> Although enforcement of the EPA as well as other civil rights laws has helped to narrow that wage gap, significant disparities remain and need to be addressed. Today, women make on average only 77 cents for every dollar earned by men.

Unfortunately, the way courts have interpreted the EPA is insufficient to remedy these persistent wage disparities and demonstrates the need for stronger laws to ensure that women are paid equal wages for equal work.<sup>3</sup> For these reasons, Representative Rosa DeLauro (D-CT) has introduced the Paycheck Fairness Act, H.R. 1338, which will strengthen current laws against wage discrimination and require the federal government to be more proactive in preventing and battling wage discrimination.<sup>4</sup> The bill has been carefully drafted to address the problems with current law and to ensure that the Equal Pay Act offers the effective protection against pay discrimination that Congress intended.

The Paycheck Fairness Act, **which currently has 228 co-sponsors**, would:

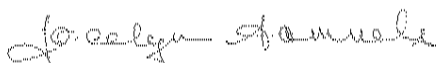
- ◆ Improve Equal Pay Act remedies to ensure that women can obtain the same remedies for sex-based pay discrimination as those awarded to individuals subject to discrimination based on race and national origin;
- ◆ Facilitate class actions in Equal Pay Act claims to ensure that the rules that apply to civil rights lawsuits generally also govern the Equal Pay Act;
- ◆ Improve the collection of pay information by the Department of Labor and the EEOC to provide a means for employers and agencies to evaluate pay disparities;
- ◆ Prohibit employers from retaliating against employees who disclose or discuss their salaries;

- ◆ Close a loophole in an employer defense that has enabled employers to escape liability even where pay differentials between men and women are in fact based on sex;
- ◆ Modify the “establishment” requirement of the Equal Pay Act to make clear that individuals may use similarly situated employees as comparators in appropriate circumstances, even where those employees do not work in the same physical locations; and
- ◆ Spark the development of salary negotiation skills training.

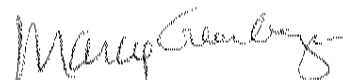
Now is the time for additional proactive measures to effectively address wage discrimination and eliminate loopholes that have hindered the Equal Pay Act’s effectiveness. **Again, we urge you to vote to approve the Paycheck Fairness Act when it comes before your committee, and to oppose any amendments that would weaken any provisions of the legislation.**

If you have any questions, please do not hesitate to contact Jocelyn Samuels, Vice President for Education and Employment, at the National Women’s Law Center, (202) 588-5180 or Fatima Goss Graves, Senior Counsel.

Sincerely,



Jocelyn Samuels, Vice President for  
Education & Employment



Marcia D. Greenberger  
Co-President

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<sup>1</sup> 29 U.S.C. § 206(d).

<sup>2</sup> U.S. Census Bureau, Historical Income Tables – People, Table P-40: Woman’s Earnings as a Percentage of Men’s Earnings by Race and Hispanic Origin: 1960 to 2005, *available at* <http://www.census.gov/hhes/www/income/histinc/p40.html> (last visited Feb. 22, 2007).

<sup>3</sup> See Closing the Gap: Equal Pay for Women Workers: Hearing Before the Comm. on Health, Education, Labor and Pensions, 110<sup>th</sup> Cong. (2007) (Testimony of Jocelyn Samuels, Vice President for Education and Employment, National Women’s Law Center), *available at* <http://www.nwlc.org/pdf/Final%20Testimony%20of%20Jocelyn%20Samuels%20Before%20the%20Senate%20HELP%20Committee,%20April%2012,%202007.pdf>.

<sup>4</sup> As of April 4, 2007, 17 Senators and 71 Representatives had joined the bill as cosponsors.