



July 24, 2008

The Honorable George Miller
Chairman
Education & Labor Committee
U.S. House of Representatives
2181 Rayburn Office Building
Washington, DC 20515

The Honorable Buck McKeon
Ranking Member
Education & Labor Committee
U.S. House of Representative
2181 Rayburn Office Building
Washington, DC 20515

AMERICAN CIVIL
LIBERTIES UNION
WASHINGTON
LEGISLATIVE OFFICE
915 15th STREET, NW, 6TH FL
WASHINGTON, DC 20005
T/202.544.1681
F/202.546.0738
WWW.ACLU.ORG

Caroline Fredrickson
DIRECTOR

NATIONAL OFFICE
125 BROAD STREET, 18TH FL.
NEW YORK, NY 10004-2400
T/212.549.2500

OFFICERS AND DIRECTORS
NADINE STROSSEN
PRESIDENT

ANTHONY D. ROMERO
EXECUTIVE DIRECTOR

RICHARD ZACKS
TREASURER

RE: ACLU Supports the Paycheck Fairness Act (H.R. 1338)

Dear Chairman Miller and Ranking Member McKeon:

On behalf of the American Civil Liberties Union, a non-partisan organization with hundreds of thousands of activists and members and 53 affiliates nationwide, we thank you for your leadership in bringing the Paycheck Fairness Act (H.R. 1338) before the Committee. We urge members of the Committee to support Representative Miller's substitute bill and to oppose any weakening amendments. H.R. 1338, as amended, would update the Equal Pay Act, one of the primary laws addressing pay discrimination.

The ACLU has long been a leader in the legal battles to ensure women's equality. We are committed to ensuring that all women, especially our most vulnerable, are able to lead lives of economic self-sufficiency, to provide for themselves and their families, to work unhindered by gender discrimination and to enjoy equal access to meaningful employment opportunities. The ACLU seeks to advance women's right to work free from wage discrimination based on the traditional undervaluation of "women's work."

Since becoming law, loopholes and weak remedies have made the Equal Pay Act less effective in combating wage discrimination. The Paycheck Fairness Act, with 228 cosponsors to date, would strengthen and improve the effectiveness of the Equal Pay Act. There should be little doubt that such improvements are necessary. More than four decades after the enactment of the Equal Pay Act, women still make only 77 cents for every dollar made by their male counterparts, a wage disparity that cannot be explained by differences in qualifications, education, skills, training, responsibility, or life choices. Rather, in many cases, the pay differential has resulted from unlawful sex discrimination.

The consequences of this discrimination are severe and predictable. The pay disparity forces single-mother households and families dependent on two

wage-earners to live on less than they rightfully deserve, while simultaneously reducing women's retirement earnings. In short, unfair pay disparities perpetuate women's economic dependence and deprive them of economic opportunity and equal protection of the laws.

The Paycheck Fairness Act would take several important steps toward remedying pay discrimination. It would require employers to demonstrate that wage differentials between men and women holding the same position and doing the same work stem from factors other than sex; prohibit retaliation against workers who inquire about their employers' wage practices or disclose their own wages; clarify that the Equal Pay Act's establishment provision would permit reasonable comparisons between employees to determine fair wages; and strengthen penalties for equal pay violations.

Additionally, the bill would bolster the Equal Employment Opportunity Commission's (EEOC's) ability to handle pay discrimination cases by authorizing additional training for EEOC staff to better identify and manage wage disputes. The bill would also require the EEOC to develop regulations directing employers to collect wage data, reported by race, sex, and national origin of employees. It is particularly important that data on pay discrimination be disaggregated by race and national origin, because, as compared to every dollar earned by men, women make 77 cents, but worse still, African American women make only 64 cents and Latina women make only 52 cents for every dollar earned by a white man.

The Paycheck Fairness Act would take other key steps toward promoting fair pay. It would require the U.S. Department of Labor to reinstate important activities, such as directing educational programs to assist women in the workforce, providing technical assistance to employers, recognizing the achievements of businesses that address the wage gap, collecting wage-related data, and conducting and promoting research about pay disparities between men and women.

Last summer, this Committee and the House of Representatives took action to protect victims of workplace discrimination by passing the Lilly Ledbetter Fair Pay Act. The Paycheck Fairness Act is an important and measured approach to eradicating wage discrimination and is another critical weapon in the battle against sex discrimination in the workplace. We urge Committee members to support Chairman Miller's substitute bill, and oppose any weakening amendments.

Should you have any questions or need additional information, please do not hesitate to contact Vania Leveille at 202.715.0806 or vleveille@dcaclu.org.

Sincerely,



Caroline Fredrickson
Director



Vania Leveille
Legislative Counsel

cc: Members of the House Education and Labor Committee