affirmative defenses, requiring employers to substantiate the rationale for pay disparities if they claim they aren't based on gender. If enacted, the Paycheck Fairness Act will also strengthen the Equal Employment Opportunity Commission's ability to detect illegal salary practices.

It's far past time to stand up for fair pay for women. I'm proud to cosponsor this important legislation, and I urge my colleagues to join me in voting for it.

Ms. HIRONO. Mr. Speaker, I rise in strong support of H.R. 12, the Paycheck Fairness Act of 2009. As a member of the Education and Labor Committee and an original cosponsor, I am glad to have the opportunity to speak in support of this important bill today.

While women have made tremendous strides in the workplace since the passage of the Equal Pay Act 43 years ago, their earnings have not kept pace with that of their male coworkers. In the United States, the average full-time working woman earns just 77 cents to every dollar earned by her male colleagues. This discrepancy in earnings throughout a woman's career may cost her hundreds of thousands, if not millions of dollars in lost income and retirement savings.

I urge my colleagues to protect the rights of women against pay discrimination and ensure that women are treated fairly in the workplace. Please support equal pay for equal work and vote yes on the Paycheck Fairness Act.

Mr. TIAHRT. Mr. Speaker, today we debate a bill with a good title that fails to make one single step toward the purported goal. H.R. 12, the Paycheck Fairness Act, is being advanced as a bill to protect women from wage discrimination, but this bill is really about increasing lawsuits, not protecting women.

I join my colleagues in rejecting wage discrimination. The American Dream is not possible without wage fairness. This debate, however, is not about wage fairness; it is about this Democrat majority rewarding one of their most loyal special interest groups—trail lawyers.

For more than 40 years, the 1963 Equal Pay Act and Title VII of the 1964 Civil Rights Act have made it illegal for employers to determine an employee's pay-scale based on his or her gender. I whole-heartedly agree with and support these laws. Every American should be able to work hard, and make a living for his or her family. We cannot tolerate gender discrimination in the workplace.

Instead of strengthening these laws, H.R. 12 offers no additional protection from discrimination. It simply expands opportunities for trail lawyers to cash-in under existing nondiscrimination laws. By opening discrimination claims to unlimited compensatory and punitive damages, H.R. 12 will give great incentives to trial lawyers to bring frivolous claims. Such claims will inevitably lead to higher costs to businesses at a time when so many are struggling to remain open. High business costs often lead to job cuts. In this time of economic downturn, it is wrong to increase the burden on employers and risk additional job losses for the benefit of wealthy trial lawyers.

Mr. Speaker, strong nondiscrimination laws are critical to the future of our nation; however, H.R. 12 has nothing to do with paycheck discrimination. Now is the time to find solutions to the challenges facing our economy, not endanger our businesses with frivolous lawsuits. I ask my colleagues to join me in opposing this bill.

Mr. HOLT. Mr. Speaker, I rise in support of H.R. 12 the Paycheck Fairness Act of 2009.

Since the passage of the Equal Pay Act in 1963, the wage gap in the United States between men and women has narrowed significantly, however, on average, women still earn 78 cents for every dollar earned by a man, according to the U.S. Census Bureau. When women earn less for equal work, families are forced to do more with less. Affording all of life's expenses is challenging enough—it shouldn't be made harder as a result of women being shortchanged on payday.

Under current law, victims of gender-based wage discrimination recover less in damages than victims of discrimination based on their race or ethnicity. All forms of discrimination, whether they are based on gender, race, or ethnicity are equally repugnant, and the Paycheck Fairness Act ensures that the law views all forms of discrimination in the workplace on the same level.

In addition, the Paycheck Fairness Act would protect employees who discuss salary information punished in the workplace. Often times, wage discrimination is difficult to determine because salary levels are confidential. This bill would prevent employers from retaliating against employees who discuss openly, the most common way pay discrimination is uncovered.

Finally, this bill would hold employers accountable by mandating that employers demonstrate to the court that pay disparity between employees is not gender-based, is job-related and is consistent with the needs of the business.

As the country faces a challenging economic forecast, Congress must look after the best interests of working families. The Paycheck Fairness Act will make a difference for working families across the country, and I ask my colleagues to join me in supporting this bill.

Mr. ANDREWS. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to section 5(b) of House Resolution 5, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. PRICE of Georgia. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. PRICE of Georgia. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Price of Georgia moves to recommit the bill, H.R. 12, to the Committee on Education and Labor with instructions to report the bill back to the House forthwith the following amendments:

Page 10, line 17: strike ''and'' and after such line insert the following:

(B) by inserting ''in an amount not to exceed $2,000 per hour'' after ''reasonable attorney's fee''; and

Page 10, line 18, strike ''(B)'' and insert ''(C)''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia is recognized for 5 minutes in support of his motion.

Mr. PRICE of Georgia. Mr. Speaker, it's a new Congress and, yes, it's a new day. But what we're debating isn't that new. It's, in fact, a recycled campaign promise to a favored special interest, and a sad reminder of the path this majority continues to take this country.

As most folks already know, equal pay for equal work is the law of the land and it has been since the passage of the Equal Pay Act of 1963. Generally, businesses do a tremendous job paying employees fairly, regardless of gender.

But the bill before the House today treats wage discrimination as if it were systematic. And in the midst of economic challenges, we're failing to address the real challenges affecting Americans' wages and the purchasing power of their paychecks.

If this measure becomes law, power will be turned over to bureaucrats and trial lawyers to interject, distort and oversee how wages are determined through lawsuits and through regulations.

It means less incentive, Mr. Speaker, less incentive for employers to offer a variety of working situations like flex time or more limited travel, because doing so may put an employer at risk of being sued; hardly a wise action on their part.

In turn, current and prospective workers will suffer through lower wages, slower job creation or simply fewer opportunities to meet individual worker needs.

All of this leads, Mr. Speaker, to this motion to recommit. One of the distinctive changes being made today to the Equal Pay Act is the inclusion of unlimited compensatory and punitive damages in a lawsuit. As Members already know, compensatory damages redress wrongful conduct and punitive damages are to deter future wrongful conduct.

But under the Equal Pay Act, an employee does not need to show discriminatory intent in order to prevail. As some have correctly described this bill, it's a boondoggle for trial lawyers. They'll be able to collect unlimited damages, even, Mr. Speaker, even when a disparity is not intended. This serves no legitimate purpose and turns the Equal Pay Act into a lottery. That's why this motion is a simple, commonsense change that caps reasonable, reasonable attorney's fees at $2,000 per hour. Now, surely we can agree on that.

By limiting attorney's fees, it is the intent that lawyers would take cases based on actual discrimination and merit and prevent lawsuit abuse. Today's litigation system, unfortunately does little to restrain the filing of lawsuits. It's why lawsuits can result in millions of dollars in lawyers' fees, yet plaintiffs get pennies on the dollar. It's why tort costs consume approximately 2 percent of our Gross Domestic Product, billions of dollars. It's why 10 percent of every dollar spent on health