

115TH CONGRESS  
1ST SESSION

# S. 345

To amend the Fair Labor Standards Act of 1938 to strengthen equal pay requirements.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 8 (legislative day, FEBRUARY 6), 2017

Mrs. FISCHER (for herself, Mrs. ERNST, and Mrs. CAPITO) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Fair Labor Standards Act of 1938 to strengthen equal pay requirements.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Workplace Advance-  
5 ment Act”.

6 **SEC. 2. ENHANCED ENFORCEMENT OF EQUAL PAY ACT RE-**  
7 **QUIREMENTS.**

8 Section 15(a) of the Fair Labor Standards Act of  
9 1938 (29 U.S.C. 215(a)) is amended—

1 (1) in paragraph (5), by striking the period and  
2 inserting “; or”; and

3 (2) by adding at the end the following:

4 “(6) to discharge or in any other manner retali-  
5 ate against any employee because such employee has  
6 inquired about, discussed, or disclosed comparative  
7 compensation information for the purpose of deter-  
8 mining whether the employer is compensating an  
9 employee in a manner that provides equal pay for  
10 equal work, except that this paragraph shall not  
11 apply to instances in which an employee who has ac-  
12 cess to the wage information of other employees as  
13 a part of such employee’s job functions discloses the  
14 wages of such other employees to an individual who  
15 does not otherwise have access to such information,  
16 unless such disclosure is in response to a charge or  
17 complaint or in furtherance of an investigation, pro-  
18 ceeding, hearing, or action under section 6(d), in-  
19 cluding an investigation conducted by the employer.  
20 Nothing in paragraph (6) shall be construed to limit the  
21 rights of an employee provided under any other provision  
22 of law.”.

23 **SEC. 3. SENSE OF CONGRESS.**

24 It is the sense of Congress that—

1           (1) gender-based discrimination in wages or  
2           compensation violates existing law; and

3           (2) Congress recommits itself to the principles  
4           of equal pay for equal work as enshrined in section  
5           6(d) of the Fair Labor Standards Act of 1938 (29  
6           U.S.C. 206(d); commonly referred to as the “Equal  
7           Pay Act of 1963”) and title VII of the Civil Rights  
8           Act of 1964 (42 U.S.C. 2000e et seq.).

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