

105TH CONGRESS  
2D SESSION

# H. R. 3769

To amend the Fair Labor Standards Act of 1938 to allow compensatory and punitive damages for violations of the anti-discrimination provision of such Act and to provide additional resources to the Secretary of Labor to do studies and outreach on pay disparities.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 1998

Mr. BAESLER (for himself and Ms. SLAUGHTER) introduced the following bill;  
which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the Fair Labor Standards Act of 1938 to allow compensatory and punitive damages for violations of the anti-discrimination provision of such Act and to provide additional resources to the Secretary of Labor to do studies and outreach on pay disparities.

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 “Fairness for Working  
5 Families Act”.

1 **SEC. 2. ENHANCED ENFORCEMENT OF EQUAL PAY RE-**  
2 **QUIREMENTS.**

3 (a) ENHANCED PENALTIES.—Section 16(b) of such  
4 Act (29 U.S.C. 216(b)) is amended—

5 (1) by inserting after the first sentence the fol-  
6 lowing: “Any employer who violates section 6(d)  
7 shall additionally be liable for such compensatory or  
8 punitive damages as may be appropriate.”;

9 (2) in the sentence beginning “An action to”,  
10 by striking “either of the preceding sentences” and  
11 inserting “any of the preceding sentences of this  
12 subsection”; and

13 (3) in the sentence beginning “The court in”—

14 (A) by striking “in such action” and in-  
15 serting “in any action brought to recover the li-  
16 ability prescribed in any of the preceding sen-  
17 tences of this subsection”; and

18 (B) by inserting before the period the fol-  
19 lowing: “, including expert fees”.

20 (b) ACTION.—Section 16(c) of such Act (29 U.S.C.  
21 216(c)) is amended—

22 (1) in the first sentence—

23 (A) by inserting “or, in the case of a viola-  
24 tion of section 6(d), additional compensatory or  
25 punitive damages,” before “, and the agree-  
26 ment”; and

1 (B) by inserting before the period the fol-  
2 lowing: “, or such compensatory or punitive  
3 damages, as appropriate”;

4 (2) in the second sentence, by inserting before  
5 the period the following: “and, in the case of a viola-  
6 tion of section 6(d), additional compensatory or pu-  
7 nitive damages”; and

8 (3) in the third sentence, by striking “the first  
9 sentence” and inserting “the first or second sen-  
10 tence”.

11 **SEC. 3. RESEARCH, EDUCATION, AND OUTREACH.**

12 (a) STUDIES AND INFORMATION.—The Secretary of  
13 Labor shall conduct studies and provide information to  
14 employers, labor organizations, and the general public con-  
15 cerning the means available to eliminate pay disparities  
16 between men and women, including—

17 (1) conducting and promoting research to de-  
18 velop the means to correct expeditiously the condi-  
19 tions leading to the pay disparities;

20 (2) publishing and otherwise making available  
21 to employers, labor organizations, professional asso-  
22 ciations, educational institutions, the media, and the  
23 general public the findings resulting from studies  
24 and other materials, relating to eliminating the pay  
25 disparities;

1           (3) sponsoring and assisting State and commu-  
2       nity informational and educational programs;

3           (4) providing information to employers, labor  
4       organizations, professional associations, and other  
5       interested persons on the means of eliminating the  
6       pay disparities;

7           (5) recognizing and promoting the achievements  
8       of employers, labor organizations, and professional  
9       associations that have worked to eliminate the pay  
10      disparities;

11          (6) convening a national summit to discuss, and  
12      consider approaches for rectifying, the pay dispari-  
13      ties; and

14          (7) issuing to employers voluntary pay guide-  
15      lines for the relative pay ranges of a selection of  
16      male- and female-dominated widely held occupations.

17      (b) AUTHORIZATION.—There is authorized to be ap-  
18      propriated to the Secretary of Labor \$1,000,000 to carry  
19      out subsection (a).

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