

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—113th Cong., 2d Sess.

S. 2199

To amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. HELLER

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “End Pay Discrimina-
5 tion Through Information Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) People in the United States understand that
9 intentional workplace discrimination is wrong.

10 (2) Equal pay for equal work is a principle and
11 practice that should be observed by all employers.

1 (3) Women constitute a significant portion of
2 the workforce of the United States.

3 (4) An increasing number of families in the
4 United States depend on the income of a working
5 woman.

6 (5) Many women are pursuing or have attained
7 postsecondary degrees or specialized training to
8 make them strong candidates for good jobs that will
9 provide for their families.

10 (6) Employers that intentionally discriminate
11 on the basis of sex should be held accountable for
12 their wrongdoing.

13 **SEC. 3. ENHANCED ENFORCEMENT OF EQUAL PAY RE-**
14 **QUIREMENTS.**

15 Section 15 of the Fair Labor Standards Act of 1938
16 (29 U.S.C. 215) is amended—

17 (1) in subsection (a)(3), by striking “employee
18 has filed” and all that follows through “committee;”
19 and inserting “employee—

20 “(A) has made a charge or filed any com-
21 plaint or instituted or caused to be instituted
22 any investigation, proceeding, hearing, or action
23 under or related to this Act, including an inves-
24 tigation conducted by the employer, or has tes-
25 tified or is planning to testify or has assisted or

1 participated in any manner in any such inves-
2 tigation, proceeding, hearing, or action, or has
3 served or is planning to serve on an industry
4 committee; or

5 “(B) has inquired about, discussed, or dis-
6 closed the wages of the employee or another
7 employee;” and

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

9 “(c) Subsection (a)(3)(B) shall not apply to instances
10 in which an employee who has access to the wage informa-
11 tion of other employees as a part of such employee’s essen-
12 tial job functions discloses the wages of such other employ-
13 ees to an individual who does not otherwise have access
14 to such information, unless such disclosure is in response
15 to a charge or complaint or in furtherance of an investiga-
16 tion, proceeding, hearing, or action under section 6(d), in-
17 cluding an investigation conducted by the employer. Noth-
18 ing in this subsection shall be construed to limit the rights
19 of an employee provided under any other provision of
20 law.”.