



# INSTITUTE for the American Worker

## BACKGROUND: Paycheck Fairness Act

Bill name: Paycheck Fairness Act

Bill sponsors: [H.R. 7](#), sponsored by Rep. Rosa DeLauro (D-CT),  
[S. 270](#), sponsored by Sen. Patty Murray (D-WA)

**Summary: The Paycheck Fairness Act seeks to eliminate the gender-based wage gap by amending the Fair Labor Standards Act (FLSA) to...<sup>1</sup>**

- restrict the use of the “factors other than sex” defense by employers in response to wage discrimination claims,
- enhance nonretaliation prohibitions,
- and increase civil penalties for violations of federal equal pay laws.

**Background:** In response to the Paycheck Fairness Act’s consideration on the House floor, Rep. Elise Stefanik (R-NY) and over 40 House Republicans introduced the “Wage Equity Act” ([H.R. 1935](#)). The Wage Equity Act would allow employees to have flexible work arrangement plans, to include flexible scheduling, telework, and compressed work schedules. Employers would be allowed to conduct an internal pay audit to identify and remediate any gender pay inequality without liability for damages. During the course of the interview and hiring process, employers would be prohibited from requiring disclosure of the prospective employee’s salary history, though it could be provided voluntarily. Lastly, a grant program would be established to foster negotiation skills training for women and the Department of Labor would be directed to study pay inequality.

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**Bill Status:** *H.R. 7 was approved by the House of Representatives on March 27, 2019. Seven Republicans joined all Democrats in support. It was marked up by the House Committee on Education and Labor on February 26, 2019. The Senate has taken no action on the Paycheck Fairness Act. This is the third time Paycheck Fairness has been approved by the House (H.R. 12 in 2009, H.R. 1338 in 2008). Senate progress has been slower, with failed cloture votes in 2010 and 2014.*

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<sup>1</sup> Some language from proposed bill