

**AMENDMENT TO RULES COMMITTEE PRINT 116-8**

**OFFERED BY M**     .

At the end of section 3, insert the following:

1       (e) SELF EVALUATION AUDIT.—Section 16 of the  
2 Fair Labor Standards Act of 1938 (29 U.S.C. 216) is  
3 amended by adding at the end the following:

4       “(f)(1) An employer that conducts a compensation  
5 self-evaluation audit and such audit reveals differentials  
6 in pay between equal jobs and such employer takes reason-  
7 able steps to address such differentials consistent with fed-  
8 eral laws prohibiting pay discrimination, shall not be liable  
9 for liquidated, compensatory, or punitive damages in an  
10 action brought against the employer for a violation of sec-  
11 tion 6(d) if such audit is conducted—

12               “(A) in good faith to investigate such; and

13               “(B) not earlier than the date that is 3  
14 years before the date on which the action is  
15 brought and not later than the date that is 1  
16 day before the action is brought.

17       “(2) An audit under this section and remedial  
18 action taken in response to the findings of such  
19 audit may not be discoverable or admissible for any  
20 purpose in any claim against the employer.

1           “(3) An employer who has not completed an  
2           audit under this subsection shall not be subject to a  
3           negative or adverse inference as a result of not hav-  
4           ing completed such audit.”.

