

MARCH 14, 2019

**RULES COMMITTEE PRINT 116-8**  
**TEXT OF H.R. 7, PAYCHECK FAIRNESS ACT**

**[Showing the text of H.R. 7 as ordered reported by the  
Committee on Education and Labor]**

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Paycheck Fairness  
3 Act”.

4 **SEC. 2. FINDINGS.**

5       Congress finds the following:

6           (1) Women have entered the workforce in  
7 record numbers over the past 50 years.

8           (2) Despite the enactment of the Equal Pay Act  
9 of 1963, many women continue to earn significantly  
10 lower pay than men for equal work. These pay dis-  
11 parities exist in both the private and governmental  
12 sectors.

13           (3) In many instances, the pay disparities can  
14 only be due to continued intentional discrimination  
15 or the lingering effects of past discrimination. After  
16 controlling for educational attainment, occupation,  
17 industry, union status, race, ethnicity, and labor  
18 force experience roughly 40 percent of the pay gap  
19 remains unexplained.

1 (4) The existence of such pay disparities—

2 (A) depresses the wages of working fami-  
3 lies who rely on the wages of all members of the  
4 family to make ends meet;

5 (B) undermines women’s retirement secu-  
6 rity, which is often based on earnings while in  
7 the workforce;

8 (C) prevents women from realizing their  
9 full economic potential, particularly in terms of  
10 labor force participation and attachment;

11 (D) has been spread and perpetuated,  
12 through commerce and the channels and instru-  
13 mentalities of commerce, among the workers of  
14 the several States;

15 (E) burdens commerce and the free flow of  
16 goods in commerce;

17 (F) constitutes an unfair method of com-  
18 petition in commerce;

19 (G) tends to cause labor disputes, as evi-  
20 denced by the tens of thousands of charges filed  
21 with the Equal Employment Opportunity Com-  
22 mission against employers between 2010 and  
23 2016;

24 (H) interferes with the orderly and fair  
25 marketing of goods in commerce; and

1 (I) in many instances, may deprive workers  
2 of equal protection on the basis of sex in viola-  
3 tion of the 5th and 14th Amendments to the  
4 Constitution.

5 (5)(A) Artificial barriers to the elimination of  
6 discrimination in the payment of wages on the basis  
7 of sex continue to exist decades after the enactment  
8 of the Fair Labor Standards Act of 1938 (29 U.S.C.  
9 201 et seq.) and the Civil Rights Act of 1964 (42  
10 U.S.C. 2000a et seq.).

11 (B) These barriers have resulted, in significant  
12 part, because the Equal Pay Act of 1963 has not  
13 worked as Congress originally intended. Improve-  
14 ments and modifications to the law are necessary to  
15 ensure that the Act provides effective protection to  
16 those subject to pay discrimination on the basis of  
17 their sex.

18 (C) Elimination of such barriers would have  
19 positive effects, including—

20 (i) providing a solution to problems in the  
21 economy created by unfair pay disparities;

22 (ii) substantially reducing the number of  
23 working women earning unfairly low wages,  
24 thereby reducing the dependence on public as-  
25 sistance;

1 (iii) promoting stable families by enabling  
2 all family members to earn a fair rate of pay;

3 (iv) remedying the effects of past discrimi-  
4 nation on the basis of sex and ensuring that in  
5 the future workers are afforded equal protection  
6 on the basis of sex; and

7 (v) ensuring equal protection pursuant to  
8 Congress' power to enforce the 5th and 14th  
9 Amendments to the Constitution.

10 (6) The Department of Labor and the Equal  
11 Employment Opportunity Commission carry out  
12 functions to help ensure that women receive equal  
13 pay for equal work.

14 (7) The Department of Labor is responsible  
15 for—

16 (A) collecting and making publicly avail-  
17 able information about women's pay;

18 (B) ensuring that companies receiving  
19 Federal contracts comply with anti-discrimina-  
20 tion affirmative action requirements of Execu-  
21 tive Order 11246 (relating to equal employment  
22 opportunity);

23 (C) disseminating information about wom-  
24 en's rights in the workplace;

1 (D) helping women who have been victims  
2 of pay discrimination obtain a remedy; and

3 (E) investigating and prosecuting systemic  
4 gender based pay discrimination involving gov-  
5 ernment contractors.

6 (8) The Equal Employment Opportunity Com-  
7 mission is the primary enforcement agency for  
8 claims made under the Equal Pay Act of 1963, and  
9 issues regulations and guidance on appropriate in-  
10 terpretations of the law.

11 (9) Vigorous implementation by the Depart-  
12 ment of Labor and the Equal Employment Oppor-  
13 tunity Commission, increased information as a result  
14 of the amendments made by this Act, wage data,  
15 and more effective remedies, will ensure that women  
16 are better able to recognize and enforce their rights.

17 (10) Certain employers have already made  
18 great strides in eradicating unfair pay disparities in  
19 the workplace and their achievements should be rec-  
20 ognized.

21 **SEC. 3. ENHANCED ENFORCEMENT OF EQUAL PAY RE-**  
22 **QUIREMENTS.**

23 (a) BONA FIDE FACTOR DEFENSE AND MODIFICA-  
24 TION OF SAME ESTABLISHMENT REQUIREMENT.—Section

1 6(d)(1) of the Fair Labor Standards Act of 1938 (29  
2 U.S.C. 206(d)(1)) is amended—

3 (1) by striking “No employer having” and in-  
4 serting “(A) No employer having”;

5 (2) by striking “any other factor other than  
6 sex” and inserting “a bona fide factor other than  
7 sex, such as education, training, or experience”; and

8 (3) by inserting at the end the following:

9 “(B) The bona fide factor defense described in sub-  
10 paragraph (A)(iv) shall apply only if the employer dem-  
11 onstrates that such factor (i) is not based upon or derived  
12 from a sex-based differential in compensation; (ii) is job-  
13 related with respect to the position in question; (iii) is con-  
14 sistent with business necessity; and (iv) accounts for the  
15 entire differential in compensation at issue. Such defense  
16 shall not apply where the employee demonstrates that an  
17 alternative employment practice exists that would serve  
18 the same business purpose without producing such dif-  
19 ferential and that the employer has refused to adopt such  
20 alternative practice.

21 “(C) For purposes of subparagraph (A), employees  
22 shall be deemed to work in the same establishment if the  
23 employees work for the same employer at workplaces lo-  
24 cated in the same county or similar political subdivision  
25 of a State. The preceding sentence shall not be construed

1 as limiting broader applications of the term ‘establish-  
2 ment’ consistent with rules prescribed or guidance issued  
3 by the Equal Employment Opportunity Commission.”.

4 (b) NONRETALIATION PROVISION.—Section 15 of the  
5 Fair Labor Standards Act of 1938 (29 U.S.C. 215) is  
6 amended—

7 (1) in subsection (a)—

8 (A) in paragraph (3), by striking “em-  
9 ployee has filed” and all that follows and insert-  
10 ing “employee—

11 “(A) has made a charge or filed any com-  
12 plaint or instituted or caused to be instituted  
13 any investigation, proceeding, hearing, or action  
14 under or related to this Act, including an inves-  
15 tigation conducted by the employer, or has tes-  
16 tified or is planning to testify or has assisted or  
17 participated in any manner in any such inves-  
18 tigation, proceeding, hearing or action, or has  
19 served or is planning to serve on an industry  
20 committee; or

21 “(B) has inquired about, discussed, or dis-  
22 closed the wages of the employee or another  
23 employee;”;

24 (B) in paragraph (5), by striking the pe-  
25 riod at the end and inserting “; or”; and

1 (C) by adding at the end the following:

2 “(6) to require an employee to sign a contract  
3 or waiver that would prohibit the employee from dis-  
4 closing information about the employee’s wages.”;  
5 and

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

7 “(c) Subsection (a)(3)(B) shall not apply to instances  
8 in which an employee who has access to the wage informa-  
9 tion of other employees as a part of such employee’s essen-  
10 tial job functions discloses the wages of such other employ-  
11 ees to individuals who do not otherwise have access to such  
12 information, unless such disclosure is in response to a  
13 complaint or charge or in furtherance of an investigation,  
14 proceeding, hearing, or action under section 6(d), includ-  
15 ing an investigation conducted by the employer. Nothing  
16 in this subsection shall be construed to limit the rights  
17 of an employee provided under any other provision of  
18 law.”.

19 (c) ENHANCED PENALTIES.—Section 16(b) of the  
20 Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)) is  
21 amended—

22 (1) by inserting after the first sentence the fol-  
23 lowing: “Any employer who violates section 6(d)  
24 shall additionally be liable for such compensatory  
25 damages, or, where the employee demonstrates that



1 the employer acted with malice or reckless indiffer-  
2 ence, punitive damages as may be appropriate, ex-  
3 cept that the United States shall not be liable for  
4 punitive damages.”;

5 (2) in the sentence beginning “An action to”,  
6 by striking “the preceding sentences” and inserting  
7 “any of the preceding sentences of this subsection”;

8 (3) in the sentence beginning “No employees  
9 shall”, by striking “No employees” and inserting  
10 “Except with respect to class actions brought to en-  
11 force section 6(d), no employee”;

12 (4) by inserting after the sentence referred to  
13 in paragraph (3), the following: “Notwithstanding  
14 any other provision of Federal law, any action  
15 brought to enforce section 6(d) may be maintained  
16 as a class action as provided by the Federal Rules  
17 of Civil Procedure.”; and

18 (5) in the sentence beginning “The court in”—

19 (A) by striking “in such action” and in-  
20 serting “in any action brought to recover the li-  
21 ability prescribed in any of the preceding sen-  
22 tences of this subsection”; and

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

1 (d) ACTION BY SECRETARY.—Section 16(c) of the  
2 Fair Labor Standards Act of 1938 (29 U.S.C. 216(c)) is  
3 amended—

4 (1) in the first sentence—

5 (A) by inserting “or, in the case of a viola-  
6 tion of section 6(d), additional compensatory or  
7 punitive damages, as described in subsection  
8 (b),” before “and the agreement”; and

9 (B) by inserting before the period the fol-  
10 lowing: “, or such compensatory or punitive  
11 damages, as appropriate”;

12 (2) in the second sentence, by inserting before  
13 the period the following: “and, in the case of a viola-  
14 tion of section 6(d), additional compensatory or pu-  
15 nitive damages, as described in subsection (b)”;

16 (3) in the third sentence, by striking “the first  
17 sentence” and inserting “the first or second sen-  
18 tence”; and

19 (4) in the sixth sentence—

20 (A) by striking “commenced in the case”  
21 and inserting “commenced—

22 “(1) in the case”;

23 (B) by striking the period and inserting “;  
24 or”; and

25 (C) by adding at the end the following:

1           “(2) in the case of a class action brought to en-  
2           force section 6(d), on the date on which the indi-  
3           vidual becomes a party plaintiff to the class action.”.

4 **SEC. 4. TRAINING.**

5           The Equal Employment Opportunity Commission  
6 and the Office of Federal Contract Compliance Programs,  
7 subject to the availability of funds appropriated under sec-  
8 tion 11, shall provide training to Commission employees  
9 and affected individuals and entities on matters involving  
10 discrimination in the payment of wages.

11 **SEC. 5. NEGOTIATION SKILLS TRAINING.**

12           (a) PROGRAM AUTHORIZED.—

13           (1) IN GENERAL.—The Secretary of Labor,  
14 after consultation with the Secretary of Education,  
15 is authorized to establish and carry out a grant pro-  
16 gram.

17           (2) GRANTS.—In carrying out the program, the  
18 Secretary of Labor may make grants on a competi-  
19 tive basis to eligible entities to carry out negotiation  
20 skills training programs for the purposes of address-  
21 ing pay disparities, including through outreach to  
22 women and girls.

23           (3) ELIGIBLE ENTITIES.—To be eligible to re-  
24 ceive a grant under this subsection, an entity shall  
25 be a public agency, such as a State, a local govern-

1       ment in a metropolitan statistical area (as defined  
2       by the Office of Management and Budget), a State  
3       educational agency, or a local educational agency, a  
4       private nonprofit organization, or a community-  
5       based organization.

6           (4) APPLICATION.—To be eligible to receive a  
7       grant under this subsection, an entity shall submit  
8       an application to the Secretary of Labor at such  
9       time, in such manner, and containing such informa-  
10      tion as the Secretary of Labor may require.

11          (5) USE OF FUNDS.—An entity that receives a  
12      grant under this subsection shall use the funds made  
13      available through the grant to carry out an effective  
14      negotiation skills training program for the purposes  
15      described in paragraph (2).

16          (b) INCORPORATING TRAINING INTO EXISTING PRO-  
17      GRAMS.—The Secretary of Labor and the Secretary of  
18      Education shall issue regulations or policy guidance that  
19      provides for integrating the negotiation skills training, to  
20      the extent practicable, into programs authorized under—

21           (1) in the case of the Secretary of Education,  
22      the Elementary and Secondary Education Act of  
23      1965 (20 U.S.C. 6301 et seq.), the Carl D. Perkins  
24      Career and Technical Education Act of 2006 (20  
25      U.S.C. 2301 et seq.), the Higher Education Act of

1 1965 (20 U.S.C. 1001 et seq.), and other programs  
2 carried out by the Department of Education that the  
3 Secretary of Education determines to be appro-  
4 priate; and

5 (2) in the case of the Secretary of Labor, the  
6 Workforce Innovation and Opportunity Act (29  
7 U.S.C. 3101 et seq.), and other programs carried  
8 out by the Department of Labor that the Secretary  
9 of Labor determines to be appropriate.

10 (c) REPORT.—Not later than 18 months after the  
11 date of enactment of this Act, and annually thereafter,  
12 the Secretary of Labor, in consultation with the Secretary  
13 of Education, shall prepare and submit to Congress a re-  
14 port describing the activities conducted under this section  
15 and evaluating the effectiveness of such activities in  
16 achieving the purposes of this section.

17 **SEC. 6. RESEARCH, EDUCATION, AND OUTREACH.**

18 Not later than 18 months after the date of enactment  
19 of this Act, and periodically thereafter, the Secretary of  
20 Labor shall conduct studies and provide information to  
21 employers, labor organizations, and the general public con-  
22 cerning the means available to eliminate pay disparities  
23 between men and women, including—

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

4           (2) publishing and otherwise making available  
5        to employers, labor organizations, professional asso-  
6        ciations, educational institutions, the media, and the  
7        general public the findings resulting from studies  
8        and other materials, relating to eliminating the pay  
9        disparities;

10          (3) sponsoring and assisting State, local, and  
11        community informational and educational programs;

12          (4) providing information to employers, labor  
13        organizations, professional associations, and other  
14        interested persons on the means of eliminating the  
15        pay disparities; and

16          (5) recognizing and promoting the achievements  
17        of employers, labor organizations, and professional  
18        associations that have worked to eliminate the pay  
19        disparities.

20 **SEC. 7. ESTABLISHMENT OF THE NATIONAL AWARD FOR**  
21 **PAY EQUITY IN THE WORKPLACE.**

22        (a) IN GENERAL.—There is established the Secretary  
23        of Labor’s National Award for Pay Equity in the Work-  
24        place, which shall be awarded, on an annual basis, to an  
25        employer to encourage proactive efforts to comply with

1 section 6(d) of the Fair Labor Standards Act of 1938 (29  
2 U.S.C. 206(d)), as amended by this Act.

3 (b) CRITERIA FOR QUALIFICATION.—The Secretary  
4 of Labor shall set criteria for receipt of the award, includ-  
5 ing a requirement that an employer has made substantial  
6 effort to eliminate pay disparities between men and  
7 women, and deserves special recognition as a consequence  
8 of such effort. The Secretary shall establish procedures for  
9 the application and presentation of the award.

10 (c) BUSINESS.—In this section, the term “employer”  
11 includes—

12 (1)(A) a corporation, including a nonprofit cor-  
13 poration;

14 (B) a partnership;

15 (C) a professional association;

16 (D) a labor organization; and

17 (E) a business entity similar to an entity de-  
18 scribed in any of subparagraphs (A) through (D);

19 (2) an entity carrying out an education referral  
20 program, a training program, such as an apprentice-  
21 ship or management training program, or a similar  
22 program; and

23 (3) an entity carrying out a joint program,  
24 formed by a combination of any entities described in  
25 paragraph (1) or (2).

1 **SEC. 8. COLLECTION OF PAY INFORMATION BY THE EQUAL**  
2 **EMPLOYMENT OPPORTUNITY COMMISSION.**

3 Section 709 of the Civil Rights Act of 1964 (42  
4 U.S.C. 2000e–8) is amended by adding at the end the fol-  
5 lowing:

6 “(f)(1) Not later than 18 months after the date of  
7 enactment of this subsection, the Commission shall issue  
8 regulations to provide for the collection from employers  
9 of compensation data and other employment-related data  
10 (including hiring, termination, and promotion data)  
11 disaggregated by the sex, race, and national origin of em-  
12 ployees.

13 “(2) In carrying out paragraph (1), the Commission  
14 shall have as its primary consideration the most effective  
15 and efficient means for enhancing the enforcement of Fed-  
16 eral laws prohibiting pay discrimination. For this purpose,  
17 the Commission shall consider factors including the im-  
18 position of burdens on employers, the frequency of required  
19 reports (including the size of employers required to pre-  
20 pare reports), appropriate protections for maintaining  
21 data confidentiality, and the most effective format to re-  
22 port such data.”.

23 **SEC. 9. REINSTATEMENT OF PAY EQUITY PROGRAMS AND**  
24 **PAY EQUITY DATA COLLECTION.**

25 (a) BUREAU OF LABOR STATISTICS DATA COLLEC-  
26 TION.—The Commissioner of Labor Statistics shall con-



1 tinue to collect data on women workers in the Current  
2 Employment Statistics survey.

3 (b) OFFICE OF FEDERAL CONTRACT COMPLIANCE  
4 PROGRAMS INITIATIVES.—The Director of the Office of  
5 Federal Contract Compliance Programs shall ensure that  
6 employees of the Office—

7 (1)(A) shall use the full range of investigatory  
8 tools at the Office’s disposal, including pay grade  
9 methodology;

10 (B) in considering evidence of possible com-  
11 pensation discrimination—

12 (i) shall not limit its consideration to a  
13 small number of types of evidence; and

14 (ii) shall not limit its evaluation of the evi-  
15 dence to a small number of methods of evalu-  
16 ating the evidence; and

17 (C) shall not require a multiple regression anal-  
18 ysis or anecdotal evidence for a compensation dis-  
19 crimination case;

20 (2) for purposes of its investigative, compliance,  
21 and enforcement activities, shall define “similarly  
22 situated employees” in a way that is consistent with  
23 and not more stringent than the definition provided  
24 in item 1 of subsection A of section 10–III of the  
25 Equal Employment Opportunity Commission Com-

1 compliance Manual (2000), and shall consider only fac-  
2 tors that the Office's investigation reveals were used  
3 in making compensation decisions; and

4 (3) shall implement a survey to collect com-  
5 pensation data and other employment-related data  
6 (including hiring, termination, and promotion data)  
7 and designate not less than half of all nonconstruc-  
8 tion contractor establishments each year to prepare  
9 and file such survey, and shall review and utilize the  
10 responses to such survey to identify contractor es-  
11 tablishments for further evaluation and for other en-  
12 forcement purposes as appropriate.

13 (c) DEPARTMENT OF LABOR DISTRIBUTION OF  
14 WAGE DISCRIMINATION INFORMATION.—The Secretary of  
15 Labor shall make readily available (in print, on the De-  
16 partment of Labor website, and through any other forum  
17 that the Department may use to distribute compensation  
18 discrimination information), accurate information on com-  
19 pensation discrimination, including statistics, explanations  
20 of employee rights, historical analyses of such discrimina-  
21 tion, instructions for employers on compliance, and any  
22 other information that will assist the public in under-  
23 standing and addressing such discrimination.

1 **SEC. 10. PROHIBITIONS RELATING TO PROSPECTIVE EM-**  
2 **PLOYEES' SALARY AND BENEFIT HISTORY.**

3 (a) IN GENERAL.—The Fair Labor Standards Act of  
4 1938 (29 U.S.C. 201 et seq.) is amended by inserting  
5 after section 7 the following new section:

6 **“SEC. 8. REQUIREMENTS AND PROHIBITIONS RELATING TO**  
7 **WAGE, SALARY, AND BENEFIT HISTORY.**

8 “(a) IN GENERAL.—It shall be an unlawful practice  
9 for an employer to—

10 “(1) rely on the wage history of a prospective  
11 employee in considering the prospective employee for  
12 employment, including requiring that a prospective  
13 employee’s prior wages satisfy minimum or max-  
14 imum criteria as a condition of being considered for  
15 employment;

16 “(2) rely on the wage history of a prospective  
17 employee in determining the wages for such prospec-  
18 tive employee, except that an employer may rely on  
19 wage history if it is voluntarily provided by a pro-  
20 spective employee, after the employer makes an offer  
21 of employment with an offer of compensation to the  
22 prospective employee, to support a wage higher than  
23 the wage offered by the employer;

24 “(3) seek from a prospective employee or any  
25 current or former employer the wage history of the  
26 prospective employee, except that an employer may

1 seek to confirm prior wage information only after an  
2 offer of employment with compensation has been  
3 made to the prospective employee and the prospec-  
4 tive employee responds to the offer by providing  
5 prior wage information to support a wage higher  
6 than that offered by the employer; or

7 “(4) discharge or in any other manner retaliate  
8 against any employee or prospective employee be-  
9 cause the employee or prospective employee—

10 “(A) opposed any act or practice made un-  
11 lawful by this section; or

12 “(B) took an action for which discrimina-  
13 tion is forbidden under section 15(a)(3).

14 “(b) DEFINITION.—In this section, the term ‘wage  
15 history’ means the wages paid to the prospective employee  
16 by the prospective employee’s current employer or previous  
17 employer.”.

18 (b) PENALTIES.—Section 16 of such Act (29 U.S.C.  
19 216) is amended by adding at the end the following new  
20 subsection:

21 “(f)(1) Any person who violates the provisions of sec-  
22 tion 8 shall—

23 “(A) be subject to a civil penalty of \$5,000 for  
24 a first offense, increased by an additional \$1,000 for  
25 each subsequent offense, not to exceed \$10,000; and

1           “(B) be liable to each employee or prospective  
2           employee who was the subject of the violation for  
3           special damages not to exceed \$10,000 plus attor-  
4           neys’ fees, and shall be subject to such injunctive re-  
5           lief as may be appropriate.

6           “(2) An action to recover the liability described in  
7           paragraph (1)(B) may be maintained against any em-  
8           ployer (including a public agency) in any Federal or State  
9           court of competent jurisdiction by any one or more em-  
10          ployees or prospective employees for and on behalf of—

11           “(A) the employees or prospective employees;

12          and

13           “(B) other employees or prospective employees  
14          similarly situated.”.

15   **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

16          (a) **AUTHORIZATION OF APPROPRIATIONS.**—There  
17          are authorized to be appropriated such sums as may be  
18          necessary to carry out this Act.

19          (b) **PROHIBITION ON EARMARKS.**—None of the funds  
20          appropriated pursuant to subsection (a) for purposes of  
21          the grant program in section 5 of this Act may be used  
22          for a congressional earmark as defined in clause 9(e) of  
23          rule XXI of the Rules of the House of Representatives.

1 **SEC. 12. SMALL BUSINESS ASSISTANCE.**

2 (a) **EFFECTIVE DATE.**—This Act and the amend-  
3 ments made by this Act shall take effect on the date that  
4 is 6 months after the date of enactment of this Act.

5 (b) **TECHNICAL ASSISTANCE MATERIALS.**—The Sec-  
6 retary of Labor and the Commissioner of the Equal Em-  
7 ployment Opportunity Commission shall jointly develop  
8 technical assistance material to assist small enterprises in  
9 complying with the requirements of this Act and the  
10 amendments made by this Act.

11 (c) **SMALL BUSINESSES.**—A small enterprise shall be  
12 exempt from the provisions of this Act, and the amend-  
13 ments made by this Act, to the same extent that such en-  
14 terprise is exempt from the requirements of the Fair  
15 Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) pur-  
16 suant to clauses (i) and (ii) of section 3(s)(1)(A) of such  
17 Act (29 U.S.C. 203(s)(1)(A)).

18 **SEC. 13. RULE OF CONSTRUCTION.**

19 Nothing in this Act, or in any amendments made by  
20 this Act, shall affect the obligation of employers and em-  
21 ployees to fully comply with all applicable immigration  
22 laws, including being subject to any penalties, fines, or  
23 other sanctions.

24 **SEC. 14. SEVERABILITY.**

25 If any provision of this Act, an amendment made by  
26 this Act, or the application of that provision or amend-

1 ment to particular persons or circumstances is held invalid  
2 or found to be unconstitutional, the remainder of this Act,  
3 the amendments made by this Act, or the application of  
4 that provision to other persons or circumstances shall not  
5 be affected.

