

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 7  
OFFERED BY MR. SCOTT OF VIRGINIA**

Strike all after the enacting clause and insert the following:

**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

1 force experience roughly 40 percent of the pay gap  
2 remains unexplained.

3 (4) The existence of such pay disparities—

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

7 (B) undermines women's retirement secu-  
8 rity, which is often based on earnings while in  
9 the workforce;

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

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

17 (E) burdens commerce and the free flow of  
18 goods in commerce;

19 (F) constitutes an unfair method of com-  
20 petition in commerce;

21 (G) tends to cause labor disputes, as evi-  
22 denced by the tens of thousands of charges filed  
23 with the Equal Employment Opportunity Com-  
24 mission against employers between 2010 and  
25 2016;

1 (H) interferes with the orderly and fair  
2 marketing of goods in commerce; and

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

7 (5)(A) Artificial barriers to the elimination of  
8 discrimination in the payment of wages on the basis  
9 of sex continue to exist decades after the enactment  
10 of the Fair Labor Standards Act of 1938 (29 U.S.C.  
11 201 et seq.) and the Civil Rights Act of 1964 (42  
12 U.S.C. 2000a et seq.).

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

20 (C) Elimination of such barriers would have  
21 positive effects, including—

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

24 (ii) substantially reducing the number of  
25 working women earning unfairly low wages,

1           thereby reducing the dependence on public as-  
2           sistance;

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

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

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

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

16          (7) The Department of Labor is responsible  
17          for—

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

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

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

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

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

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

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

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

1 **SEC. 3. ENHANCED ENFORCEMENT OF EQUAL PAY RE-**  
2 **QUIREMENTS.**

3 (a) BONA FIDE FACTOR DEFENSE AND MODIFICA-  
4 TION OF SAME ESTABLISHMENT REQUIREMENT.—Section  
5 6(d)(1) of the Fair Labor Standards Act of 1938 (29  
6 U.S.C. 206(d)(1)) is amended—

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

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

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

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

25 “(C) For purposes of subparagraph (A), employees  
26 shall be deemed to work in the same establishment if the

1 employees work for the same employer at workplaces lo-  
2 cated in the same county or similar political subdivision  
3 of a State. The preceding sentence shall not be construed  
4 as limiting broader applications of the term ‘establish-  
5 ment’ consistent with rules prescribed or guidance issued  
6 by the Equal Employment Opportunity Commission.”.

7 (b) NONRETALIATION PROVISION.—Section 15 of the  
8 Fair Labor Standards Act of 1938 (29 U.S.C. 215) is  
9 amended—

10 (1) in subsection (a)—

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

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

1           “(B) has inquired about, discussed, or dis-  
2           closed the wages of the employee or another  
3           employee;”;

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

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

7           “(6) to require an employee to sign a contract  
8           or waiver that would prohibit the employee from dis-  
9           closing information about the employee’s wages.”;  
10          and

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

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



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

4 (1) by inserting after the first sentence the fol-  
5 lowing: “Any employer who violates section 6(d)  
6 shall additionally be liable for such compensatory  
7 damages, or, where the employee demonstrates that  
8 the employer acted with malice or reckless indiffer-  
9 ence, punitive damages as may be appropriate, ex-  
10 cept that the United States shall not be liable for  
11 punitive damages.”;

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

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

19 (4) by inserting after the sentence referred to  
20 in paragraph (3), the following: “Notwithstanding  
21 any other provision of Federal law, any action  
22 brought to enforce section 6(d) may be maintained  
23 as a class action as provided by the Federal Rules  
24 of Civil Procedure.”; and

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

1 (A) by striking “in such action” and in-  
2 serting “in any action brought to recover the li-  
3 ability prescribed in any of the preceding sen-  
4 tences of this subsection”; and

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

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

10 (1) in the first sentence—

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

15 (B) by inserting before the period the fol-  
16 lowing: “, or such compensatory or punitive  
17 damages, as appropriate”;

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

22 (3) in the third sentence, by striking “the first  
23 sentence” and inserting “the first or second sen-  
24 tence”; and

25 (4) in the sixth sentence—

1 (A) by striking “commenced in the case”  
2 and inserting “commenced—  
3 “(1) in the case”;

4 (B) by striking the period and inserting “;  
5 or”;

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

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

10 **SEC. 4. TRAINING.**

11 The Equal Employment Opportunity Commission  
12 and the Office of Federal Contract Compliance Programs,  
13 subject to the availability of funds appropriated under sec-  
14 tion 11, shall provide training to Commission employees  
15 and affected individuals and entities on matters involving  
16 discrimination in the payment of wages.

17 **SEC. 5. NEGOTIATION SKILLS TRAINING.**

18 (a) PROGRAM AUTHORIZED.—

19 (1) IN GENERAL.—The Secretary of Labor,  
20 after consultation with the Secretary of Education,  
21 is authorized to establish and carry out a grant pro-  
22 gram.

23 (2) GRANTS.—In carrying out the program, the  
24 Secretary of Labor may make grants on a competi-  
25 tive basis to eligible entities to carry out negotiation

1 skills training programs for the purposes of address-  
2 ing pay disparities, including through outreach to  
3 women and girls.

4 (3) ELIGIBLE ENTITIES.—To be eligible to re-  
5 ceive a grant under this subsection, an entity shall  
6 be a public agency, such as a State, a local govern-  
7 ment in a metropolitan statistical area (as defined  
8 by the Office of Management and Budget), a State  
9 educational agency, or a local educational agency, a  
10 private nonprofit organization, or a community-  
11 based organization.

12 (4) APPLICATION.—To be eligible to receive a  
13 grant under this subsection, an entity shall submit  
14 an application to the Secretary of Labor at such  
15 time, in such manner, and containing such informa-  
16 tion as the Secretary of Labor may require.

17 (5) USE OF FUNDS.—An entity that receives a  
18 grant under this subsection shall use the funds made  
19 available through the grant to carry out an effective  
20 negotiation skills training program for the purposes  
21 described in paragraph (2).

22 (b) INCORPORATING TRAINING INTO EXISTING PRO-  
23 GRAMS.—The Secretary of Labor and the Secretary of  
24 Education shall issue regulations or policy guidance that

1 provides for integrating the negotiation skills training, to  
2 the extent practicable, into programs authorized under—

3           (1) in the case of the Secretary of Education,  
4           the Elementary and Secondary Education Act of  
5           1965 (20 U.S.C. 6301 et seq.), the Carl D. Perkins  
6           Career and Technical Education Act of 2006 (20  
7           U.S.C. 2301 et seq.), the Higher Education Act of  
8           1965 (20 U.S.C. 1001 et seq.), and other programs  
9           carried out by the Department of Education that the  
10          Secretary of Education determines to be appro-  
11          priate; and

12          (2) in the case of the Secretary of Labor, the  
13          Workforce Innovation and Opportunity Act (29  
14          U.S.C. 3101 et seq.), and other programs carried  
15          out by the Department of Labor that the Secretary  
16          of Labor determines to be appropriate.

17          (c) REPORT.—Not later than 18 months after the  
18          date of enactment of this Act, and annually thereafter,  
19          the Secretary of Labor, in consultation with the Secretary  
20          of Education, shall prepare and submit to Congress a re-  
21          port describing the activities conducted under this section  
22          and evaluating the effectiveness of such activities in  
23          achieving the purposes of this section.

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

2 Not later than 18 months after the date of enactment  
3 of this Act, and periodically thereafter, the Secretary of  
4 Labor shall conduct studies and provide information to  
5 employers, labor organizations, and the general public con-  
6 cerning the means available to eliminate pay disparities  
7 between men and women, including—

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

11 (2) publishing and otherwise making available  
12 to employers, labor organizations, professional asso-  
13 ciations, educational institutions, the media, and the  
14 general public the findings resulting from studies  
15 and other materials, relating to eliminating the pay  
16 disparities;

17 (3) sponsoring and assisting State, local, and  
18 community informational and educational programs;

19 (4) providing information to employers, labor  
20 organizations, professional associations, and other  
21 interested persons on the means of eliminating the  
22 pay disparities; and

23 (5) recognizing and promoting the achievements  
24 of employers, labor organizations, and professional  
25 associations that have worked to eliminate the pay  
26 disparities.

1 **SEC. 7. ESTABLISHMENT OF THE NATIONAL AWARD FOR**  
2 **PAY EQUITY IN THE WORKPLACE.**

3 (a) IN GENERAL.—There is established the Secretary  
4 of Labor’s National Award for Pay Equity in the Work-  
5 place, which shall be awarded, on an annual basis, to an  
6 employer to encourage proactive efforts to comply with  
7 section 6(d) of the Fair Labor Standards Act of 1938 (29  
8 U.S.C. 206(d)), as amended by this Act.

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

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

18 (1)(A) a corporation, including a nonprofit cor-  
19 poration;

20 (B) a partnership;

21 (C) a professional association;

22 (D) a labor organization; and

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

25 (2) an entity carrying out an education referral  
26 program, a training program, such as an apprentice-

1 ship or management training program, or a similar  
2 program; and

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

6 **SEC. 8. COLLECTION OF PAY INFORMATION BY THE EQUAL**  
7 **EMPLOYMENT OPPORTUNITY COMMISSION.**

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

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

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



1 data confidentiality, and the most effective format to re-  
2 port such data.”.

3 **SEC. 9. REINSTATEMENT OF PAY EQUITY PROGRAMS AND**  
4 **PAY EQUITY DATA COLLECTION.**

5 (a) BUREAU OF LABOR STATISTICS DATA COLLEC-  
6 TION.—The Commissioner of Labor Statistics shall con-  
7 tinue to collect data on women workers in the Current  
8 Employment Statistics survey.

9 (b) OFFICE OF FEDERAL CONTRACT COMPLIANCE  
10 PROGRAMS INITIATIVES.—The Director of the Office of  
11 Federal Contract Compliance Programs shall ensure that  
12 employees of the Office—

13 (1)(A) shall use the full range of investigatory  
14 tools at the Office’s disposal, including pay grade  
15 methodology;

16 (B) in considering evidence of possible com-  
17 pensation discrimination—

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

20 (ii) shall not limit its evaluation of the evi-  
21 dence to a small number of methods of evalu-  
22 ating the evidence; and

23 (C) shall not require a multiple regression anal-  
24 ysis or anecdotal evidence for a compensation dis-  
25 crimination case;

1           (2) for purposes of its investigative, compliance,  
2           and enforcement activities, shall define “similarly  
3           situated employees” in a way that is consistent with  
4           and not more stringent than the definition provided  
5           in item 1 of subsection A of section 10–III of the  
6           Equal Employment Opportunity Commission Com-  
7           pliance Manual (2000), and shall consider only fac-  
8           tors that the Office’s investigation reveals were used  
9           in making compensation decisions; and

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

19           (c) DEPARTMENT OF LABOR DISTRIBUTION OF  
20           WAGE DISCRIMINATION INFORMATION.—The Secretary of  
21           Labor shall make readily available (in print, on the De-  
22           partment of Labor website, and through any other forum  
23           that the Department may use to distribute compensation  
24           discrimination information), accurate information on com-  
25           pensation discrimination, including statistics, explanations

1 of employee rights, historical analyses of such discrimina-  
2 tion, instructions for employers on compliance, and any  
3 other information that will assist the public in under-  
4 standing and addressing such discrimination.

5 **SEC. 10. PROHIBITIONS RELATING TO PROSPECTIVE EM-**  
6 **PLoyEES' SALARY AND BENEFIT HISTORY.**

7 (a) IN GENERAL.—The Fair Labor Standards Act of  
8 1938 (29 U.S.C. 201 et seq.) is amended by inserting  
9 after section 7 the following new section:

10 **“SEC. 8. REQUIREMENTS AND PROHIBITIONS RELATING TO**  
11 **WAGE, SALARY, AND BENEFIT HISTORY.**

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

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

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

1 prospective employee, to support a wage higher than  
2 the wage offered by the employer;

3 “(3) seek from a prospective employee or any  
4 current or former employer the wage history of the  
5 prospective employee, except that an employer may  
6 seek to confirm prior wage information only after an  
7 offer of employment with compensation has been  
8 made to the prospective employee and the prospec-  
9 tive employee responds to the offer by providing  
10 prior wage information to support a wage higher  
11 than that offered by the employer; or

12 “(4) discharge or in any other manner retaliate  
13 against any employee or prospective employee be-  
14 cause the employee or prospective employee—

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

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

19 “(b) DEFINITION.—In this section, the term ‘wage  
20 history’ means the wages paid to the prospective employee  
21 by the prospective employee’s current employer or previous  
22 employer.”.

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

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

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

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

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

16 “(A) the employees or prospective employees;  
17 and

18 “(B) other employees or prospective employees  
19 similarly situated.”.

20 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

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

24 (b) **PROHIBITION ON EARMARKS.**—None of the funds  
25 appropriated pursuant to subsection (a) for purposes of

1 the grant program in section 5 of this Act may be used  
2 for a congressional earmark as defined in clause 9(e) of  
3 rule XXI of the Rules of the House of Representatives.

4 **SEC. 12. SMALL BUSINESS ASSISTANCE.**

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

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

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

21 **SEC. 13. RULE OF CONSTRUCTION.**

22 Nothing in this Act, or in any amendments made by  
23 this Act, shall affect the obligation of employers and em-  
24 ployees to fully comply with all applicable immigration

1 laws, including being subject to any penalties, fines, or  
2 other sanctions.

3 **SEC. 14. SEVERABILITY.**

4       If any provision of this Act, an amendment made by  
5 this Act, or the application of that provision or amend-  
6 ment to particular persons or circumstances is held invalid  
7 or found to be unconstitutional, the remainder of this Act,  
8 the amendments made by this Act, or the application of  
9 that provision to other persons or circumstances shall not  
10 be affected.

