

114TH CONGRESS
2D SESSION

H. R. 6293

To prohibit an employer from inquiring about the salary history of an applicant for employment.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 2016

Mrs. WATSON COLEMAN introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on House Administration, Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To prohibit an employer from inquiring about the salary history of an applicant for employment.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fair SHARE Act of
5 2016” or the “Fair Salary History Alternatives for Re-
6 sponsible Employment Act of 2016”.

1 **SEC. 2. UNLAWFUL EMPLOYMENT PRACTICES RELATED TO**
2 **SALARY HISTORY OF APPLICANTS.**

3 (a) IN GENERAL.—Except as provided in subsection
4 (b), it shall be an unlawful employment practice for any
5 employer to make inquiries of an applicant for employ-
6 ment or otherwise seek information about such an appli-
7 cant (including through the use of any form or applica-
8 tion) relating to such applicant’s salary history.

9 (b) EXCEPTION.—Notwithstanding subsection (a), an
10 employer may make inquiries of an applicant or otherwise
11 seek information about the applicant relating to the appli-
12 cant’s salary history in a case in which the employer has
13 made an offer of employment, including the compensation
14 amount, to the applicant and the applicant volunteers such
15 information and provides written authorization to the em-
16 ployer authorizing the employer to verify such informa-
17 tion.

18 **SEC. 3. RULEMAKING.**

19 Not later than 1 year after the date of enactment
20 of this Act, the Commission shall issue rules relating to
21 the exception under section 2(b).

22 **SEC. 4. ENFORCEMENT.**

23 (a) EMPLOYEES COVERED BY TITLE VII OF THE
24 CIVIL RIGHTS ACT OF 1964.—

25 (1) IN GENERAL.—The powers, procedures, and
26 remedies provided in sections 705, 706, 707, 709,

1 710, and 711 of the Civil Rights Act of 1964 (42
2 U.S.C. 2000e–4 et seq.) to the Commission, the At-
3 torney General, or any person, alleging a violation of
4 title VII of that Act (42 U.S.C. 2000e et seq.) shall
5 be the powers, procedures, and remedies this title
6 provides to the Commission, the Attorney General,
7 or any person, respectively, alleging an unlawful em-
8 ployment practice in violation of this title against an
9 employee described in section 5(3)(A), except as pro-
10 vided in paragraphs (2) and (3).

11 (2) COSTS AND FEES.—The powers, remedies,
12 and procedures provided in subsections (b) and (c)
13 of section 722 of the Revised Statutes of the United
14 States (42 U.S.C. 1988), shall be the powers, rem-
15 edies, and procedures this title provides to the Com-
16 mission, the Attorney General, or any person, alleg-
17 ing such a practice.

18 (3) DAMAGES.—The powers, remedies, and pro-
19 cedures provided in section 1977A of the Revised
20 Statutes of the United States (42 U.S.C. 1981a), in-
21 cluding the limitations contained in subsection (b)(3)
22 of such section 1977A, shall be the powers, rem-
23 edies, and procedures this title provides to the Com-
24 mission, the Attorney General, or any person, alleg-
25 ing such a practice (not an employment practice spe-

1 cifically excluded from coverage under section
2 1977A(a)(1) of the Revised Statutes of the United
3 States).

4 (b) EMPLOYEES COVERED BY CONGRESSIONAL AC-
5 COUNTABILITY ACT OF 1995.—

6 (1) IN GENERAL.—The powers, remedies, and
7 procedures provided in the Congressional Account-
8 ability Act of 1995 (2 U.S.C. 1301 et seq.) to the
9 Board (as defined in section 101 of that Act (2
10 U.S.C. 1301)), or any person, alleging a violation of
11 section 201(a)(1) of that Act (2 U.S.C. 1311(a)(1))
12 shall be the powers, remedies, and procedures this
13 title provides to that Board, or any person, alleging
14 an unlawful employment practice in violation of this
15 title against an employee described in section
16 5(3)(B), except as provided in paragraphs (2) and
17 (3).

18 (2) COSTS AND FEES.—The powers, remedies,
19 and procedures provided in subsections (b) and (c)
20 of section 722 of the Revised Statutes of the United
21 States (42 U.S.C. 1988), shall be the powers, rem-
22 edies, and procedures this title provides to that
23 Board, or any person, alleging such a practice.

24 (3) DAMAGES.—The powers, remedies, and pro-
25 cedures provided in section 1977A of the Revised

1 Statutes of the United States (42 U.S.C. 1981a), in-
2 cluding the limitations contained in subsection (b)(3)
3 of such section 1977A, shall be the powers, rem-
4 edies, and procedures this title provides to that
5 Board, or any person, alleging such a practice (not
6 an employment practice specifically excluded from
7 coverage under section 1977A(a)(1) of the Revised
8 Statutes of the United States).

9 (4) OTHER APPLICABLE PROVISIONS.—With re-
10 spect to a claim alleging a practice described in
11 paragraph (1), title III of the Congressional Ac-
12 countability Act of 1995 (2 U.S.C. 1381 et seq.)
13 shall apply in the same manner as such title applies
14 with respect to a claim alleging a violation of section
15 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)).

16 (c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE
17 3, UNITED STATES CODE.—

18 (1) IN GENERAL.—The powers, remedies, and
19 procedures provided in chapter 5 of title 3, United
20 States Code, to the President, the Commission, the
21 Merit Systems Protection Board, or any person, al-
22 leging a violation of section 411(a)(1) of that title,
23 shall be the powers, remedies, and procedures this
24 title provides to the President, the Commission, such
25 Board, or any person, respectively, alleging an un-

1 lawful employment practice in violation of this title
2 against an employee described in section 5(3)(C), ex-
3 cept as provided in paragraphs (2) and (3).

4 (2) COSTS AND FEES.—The powers, remedies,
5 and procedures provided in subsections (b) and (c)
6 of section 722 of the Revised Statutes of the United
7 States (42 U.S.C. 1988), shall be the powers, rem-
8 edies, and procedures this title provides to the Presi-
9 dent, the Commission, such Board, or any person,
10 alleging such a practice.

11 (3) DAMAGES.—The powers, remedies, and pro-
12 cedures provided in section 1977A of the Revised
13 Statutes of the United States (42 U.S.C. 1981a), in-
14 cluding the limitations contained in subsection (b)(3)
15 of such section 1977A, shall be the powers, rem-
16 edies, and procedures this title provides to the Presi-
17 dent, the Commission, such Board, or any person,
18 alleging such a practice (not an employment practice
19 specifically excluded from coverage under section
20 1977A(a)(1) of the Revised Statutes of the United
21 States).

22 (d) EMPLOYEES COVERED BY GOVERNMENT EM-
23 PLOYEE RIGHTS ACT OF 1991.—

24 (1) IN GENERAL.—The powers, remedies, and
25 procedures provided in sections 302 and 304 of the

1 Government Employee Rights Act of 1991 (42
2 U.S.C. 2000e–16b, 2000e–16c) to the Commission,
3 or any person, alleging a violation of section
4 302(a)(1) of that Act (42 U.S.C. 2000e–16b(a)(1))
5 shall be the powers, remedies, and procedures this
6 title provides to the Commission, or any person, re-
7 spectively, alleging an unlawful employment practice
8 in violation of this title against an employee de-
9 scribed in section 5(3)(D), except as provided in
10 paragraphs (2) and (3).

11 (2) COSTS AND FEES.—The powers, remedies,
12 and procedures provided in subsections (b) and (c)
13 of section 722 of the Revised Statutes of the United
14 States (42 U.S.C. 1988), shall be the powers, rem-
15 edies, and procedures this title provides to the Com-
16 mission, or any person, alleging such a practice.

17 (3) DAMAGES.—The powers, remedies, and pro-
18 cedures provided in section 1977A of the Revised
19 Statutes of the United States (42 U.S.C. 1981a), in-
20 cluding the limitations contained in subsection (b)(3)
21 of such section 1977A, shall be the powers, rem-
22 edies, and procedures this title provides to the Com-
23 mission, or any person, alleging such a practice (not
24 an employment practice specifically excluded from

1 coverage under section 1977A(a)(1) of the Revised
2 Statutes of the United States).

3 (e) EMPLOYEES COVERED BY SECTION 717 OF THE
4 CIVIL RIGHTS ACT OF 1964.—

5 (1) IN GENERAL.—The powers, remedies, and
6 procedures provided in section 717 of the Civil
7 Rights Act of 1964 (42 U.S.C. 2000e–16) to the
8 Commission, the Attorney General, the Librarian of
9 Congress, or any person, alleging a violation of that
10 section shall be the powers, remedies, and proce-
11 dures this title provides to the Commission, the At-
12 torney General, the Librarian of Congress, or any
13 person, respectively, alleging an unlawful employ-
14 ment practice in violation of this title against an em-
15 ployee or applicant described in section 5(3)(E), ex-
16 cept as provided in paragraphs (2) and (3).

17 (2) COSTS AND FEES.—The powers, remedies,
18 and procedures provided in subsections (b) and (c)
19 of section 722 of the Revised Statutes of the United
20 States (42 U.S.C. 1988), shall be the powers, reme-
21 dies, and procedures this title provides to the Com-
22 mission, the Attorney General, the Librarian of Con-
23 gress, or any person, alleging such a practice.

24 (3) DAMAGES.—The powers, remedies, and pro-
25 cedures provided in section 1977A of the Revised

1 Statutes of the United States (42 U.S.C. 1981a), in-
2 cluding the limitations contained in subsection (b)(3)
3 of such section 1977A, shall be the powers, rem-
4 edies, and procedures this title provides to the Com-
5 mission, the Attorney General, the Librarian of Con-
6 gress, or any person, alleging such a practice (not an
7 employment practice specifically excluded from cov-
8 erage under section 1977A(a)(1) of the Revised
9 Statutes of the United States).

10 **SEC. 5. DEFINITIONS.**

11 As used in this Act—

12 (1) the term “Commission” means the Equal
13 Employment Opportunity Commission;

14 (2) the term “employer”—

15 (A) has the meaning given such term in
16 section 701(b) of the Civil Rights Act of 1964
17 (42 U.S.C. 2000e(b)); and

18 (B) includes—

19 (i) an employing office, as defined in
20 section 101 of the Congressional Account-
21 ability Act of 1995 (2 U.S.C. 1301) and
22 section 411(c) of title 3, United States
23 Code;

24 (ii) an entity employing a State em-
25 ployee described in section 304(a) of the

1 Government Employee Rights Act of 1991
2 (12 U.S.C. 1220(a)); and

3 (iii) an entity to which section 717(a)
4 of the Civil Rights Act of 1964 (42 U.S.C.
5 2000e–16(a)) applies;

6 (3) the term “employee” means—

7 (A) an employee (including an applicant),
8 as defined in section 701(f) of the Civil Rights
9 Act of 1964 (42 U.S.C. 2000e(f));

10 (B) a covered employee (including an ap-
11 plicant), as defined in section 101 of the Con-
12 gressional Accountability Act of 1995 (2 U.S.C.
13 1301);

14 (C) a covered employee (including an appli-
15 cant), as defined in section 411(c) of title 3,
16 United States Code;

17 (D) a State employee (including an appli-
18 cant) described in section 304(a) of the Govern-
19 ment Employee Rights Act of 1991 (12 U.S.C.
20 1220(a)); or

21 (E) an employee (including an applicant)
22 to which section 717(a) of the Civil Rights Act
23 of 1964 (42 U.S.C. 2000e–16(a)) applies; and

1 (4) the term “person” has the meaning given
2 such term in section 701(a) of the Civil Rights Act
3 of 1964 (42 U.S.C. 2000e(a)).

4 **SEC. 6. EFFECTIVE DATE.**

5 This Act shall take effect beginning 1 year after the
6 date of the enactment of this Act.

○