

117TH CONGRESS
2D SESSION

H. R. 6850

To amend the Fair Labor Standards Act to require an employer providing an employment opportunity to disclose the wage range for such employment opportunity to employees and applicants for employment, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2022

Ms. NORTON introduced the following bill; which was referred to the
Committee on Education and Labor

A BILL

To amend the Fair Labor Standards Act to require an employer providing an employment opportunity to disclose the wage range for such employment opportunity to employees and applicants for employment, and for other purposes.

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 “Salary Transparency
5 Act”.

1 **SEC. 2. PROHIBITIONS RELATING TO WAGE DISCLOSURES.**

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

5 **“SEC. 8. REQUIREMENTS AND PROHIBITIONS RELATING TO**
6 **WAGE DISCLOSURES.**

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

9 “(1) fail or refuse to disclose, in any public or
10 internal posting for an employment opportunity, the
11 wage or wage range for such employment oppor-
12 tunity;

13 “(2) in any case in which a public or internal
14 posting for an employment opportunity has not been
15 made available to an applicant for such employment
16 opportunity, fail or refuse to disclose to such appli-
17 cant the wage or wage range for such employment
18 opportunity prior to discussing compensation with
19 the applicant and at any time upon the applicant’s
20 request;

21 “(3) fail or refuse to disclose to an employee
22 the wage or wage range for the employee’s position
23 upon hire and at least annually thereafter and at
24 any time upon the employee’s request; or

25 “(4) refuse to interview, hire, promote, or em-
26 ploy an employee or applicant for employment, or in

1 any other manner retaliate against an employee or
2 applicant for employment, for exercising any rights
3 under this section.

4 “(b) DEFINITION.—In this section, the term ‘wage
5 range’, with respect to an employment opportunity, means
6 the range of wages, or salaries and other forms of com-
7 pensation, that the employer providing such employment
8 opportunity anticipates in good faith relying on in setting
9 the pay for such employment opportunity. Such term may
10 include reference to any applicable pay scale, previously
11 determined wage range for the position, the actual wage
12 range for those currently holding equivalent positions, or
13 the budgeted amount for the position, as applicable. For
14 the purposes of subsection (a)(3), such term may include
15 reference to any applicable pay scale, previously deter-
16 mined wage range for the position, or the wage range for
17 incumbents in equivalent positions, as applicable.”.

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 violation, increased by an additional \$1,000

1 for each subsequent violation, not to exceed \$10,000;
2 and

3 “(B) be liable to each employee or applicant for
4 employment who was the subject of the violation for
5 statutory damages between \$1,000 and \$10,000, or
6 actual damages, whichever is greater, plus reason-
7 able attorneys’ fees, and shall be subject to such in-
8 junctive relief as may be appropriate.

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

15 “(A) the employees or applicants for employ-
16 ment; and

17 “(B) other employees or applicants for employ-
18 ment similarly situated.”.

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