

117TH CONGRESS  
1ST SESSION

# H. R. 6113

To amend the Fair Labor Standards Act of 1938 to prohibit employers from inquiring about vaccination status, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 1, 2021

Mr. MAST (for himself, Mr. HIGGINS of Louisiana, Mr. POSEY, Mr. GOMERT, Mr. DUNCAN, Mrs. MILLER of Illinois, Mr. TIFFANY, Mr. GOOD of Virginia, Mr. HICE of Georgia, and Mr. BABIN) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To amend the Fair Labor Standards Act of 1938 to prohibit employers from inquiring about vaccination status, 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 “Employee Privacy  
5 Act”.

1 **SEC. 2. PROHIBITION RELATING TO VACCINATION STATUS**

2 **INQUIRIES.**

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. PROHIBITION RELATING TO VACCINATION STATUS**

7 **INQUIRIES.**

8 “It shall be an unlawful practice for an employer to  
9 inquire about the vaccination status of any current or pro-  
10 spective employee.”.

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

14 “(f) Any person who violates the provisions of section  
15 8 shall—

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

19 “(2) be liable to each employee or prospective  
20 employee who was the subject of the violation for  
21 special damages not to exceed \$10,000 plus attor-  
22 neys’ fees, and shall be subject to such injunctive re-  
23 lief as may be appropriate.”.

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