To void existing non-compete agreements for any employee who is fired for not complying with an employer’s COVID–19 vaccine mandate, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

November 3, 2021

Ms. Tenney (for herself, Mr. Ijew of Georgia, Mr. Mast, Mr. Mann, Mr. Gohmert, Mr. Timmons, Mrs. Miller of Illinois, Mr. Guthrie, and Mr. Guest) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committee on Energy and Commerce, 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 void existing non-compete agreements for any employee who is fired for not complying with an employer’s COVID–19 vaccine mandate, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

This Act may be cited as the “Employment Freedom for All Act”.
SEC. 2. CERTAIN NON-COMPETE AGREEMENTS UNENFORCEABLE.

Any non-compete agreement between an employer and an employee or former employee who has been fired for not receiving a COVID–19 vaccine shall be unenforceable.

SEC. 3. PROHIBITION ON CERTAIN NON-COMPETE AGREEMENTS.

(a) Regulations Required.—Not later than 60 days after the date of the enactment of this Act, the Commission shall issue regulations under section 553 of title 5, United States Code, to prohibit an employer from enforcing a non-compete agreement with an employee or former employee who has been fired for not receiving a COVID–19 vaccine.

(b) Enforcement.—

(1) Unfair or deceptive acts or practices.—A violation of this section or a regulation promulgated under this section shall be treated as a violation of a regulation under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)) regarding unfair or deceptive acts or practices.

(2) Powers of the Commission.—The Commission shall enforce this section and the regulations promulgated under this section in the same manner,
by the same means, and with the same jurisdiction,

powers, and duties as though all applicable terms

and provisions of the Federal Trade Commission Act

(15 U.S.C. 41 et seq.) were incorporated into and

made a part of this section, and any person who vio-

lates this section or a regulation promulgated under

this section shall be subject to the penalties entitled

to the privileges and immunities provided in the


(3) ENFORCEMENT BY STATE ATTORNEYS GEN-

ERAL.—If the chief law enforcement officer of a

State, or an official or agency designated by a State,

has reason to believe that any person has violated or

is violating this section or a regulation promulgated

under this section, the attorney general, official, or

agency of the State, in addition to any authority it

may have to bring an action in State court under its

consumer protection law, may bring a civil action in

any appropriate United States district court or in

any other court of competent jurisdiction, including

a State court, to—

(A) enjoin further such violation by such

person;

(B) enforce compliance with such sub-

section;
(C) obtain civil penalties; and

(D) obtain damages, restitution, or other compensation on behalf of residents of the State.

(c) DEFINITIONS.—In this section:

(1) COMMISSION.—The term “Commission” means the Federal Trade Commission.

(2) EMPLOYER.—The term “employer” has the meaning given in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(3) NON-COMPETE AGREEMENT.—The term “non-compete agreement” means an agreement, entered into between an employer and an employee, that restricts such employee from performing, after the employment relationship between the employer and the employee terminates, any of the following:

(A) Any work for another employer for a specified period of time.

(B) Any work in a specified geographical area.

(C) Any work for another employer that is similar to such employee’s work for the employer that is a party to such agreement.