

116TH CONGRESS  
2D SESSION

# H. R. 8381

To prohibit employers from asking the age or date of birth of an individual before the completion and submission of an application for employment by such individual.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 2020

Ms. GARCIA of Texas (for herself, Ms. WILD, and Mrs. HAYES) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To prohibit employers from asking the age or date of birth of an individual before the completion and submission of an application for employment by such individual.

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 “Protect Older Job Ap-  
5 plicants Act” or the “POJA Act”.

1 **SEC. 2. PROHIBITION AGAINST ASKING THE AGE OR DATE**  
2 **OF BIRTH BEFORE THE COMPLETION AND**  
3 **SUBMISSION OF THE APPLICATION FOR EM-**  
4 **PLOYMENT.**

5 Section 4(a) of the Age Discrimination in Employ-  
6 ment Act of 1967 (29 U.S.C. 623(a)) is amended—

7 (1) in paragraph (2) by striking the “or” at the  
8 end,

9 (2) in paragraph (3) by striking the period at  
10 the end and inserting “; or”, and

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

12 “(4) to ask the age or date of birth of an indi-  
13 vidual before the completion and submission of an  
14 application for employment by such individual.”.

15 **SEC. 3. PROHIBITION AGAINST LIMITING, SEGREGATING,**  
16 **OR CLASSIFYING APPLICANTS FOR EMPLOY-**  
17 **MENT.**

18 Section 4(a)(2) of the Age Discrimination in Employ-  
19 ment Act of 1967 (29 U.S.C. 623(a)(2)) is amended—

20 (1) by inserting “or applicants for employment”  
21 after “employees”, and

22 (2) by inserting “or as an applicant for employ-  
23 ment” after “employee”.

1 **SEC. 4. DAMAGES FOR REQUESTING THE AGE OR DATE OF**  
2 **BIRTH AT THE TIME OF APPLICATION.**

3 Section 7 of the Age Discrimination in Employment  
4 Act of 1967 (29 U.S.C. 626) is amended—

5 (1) in subsection (b) by inserting “, except  
6 where a remedy is provided in subsection (g)” after  
7 “of this section”, and

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

9 “(g) The amount owing to an applicant for employ-  
10 ment for a violation of paragraph (2) or (4) of section  
11 4(a) shall be \$5,000 in lieu of any other amounts owing  
12 under this Act for such violation.”.

13 **SEC. 5. EFFECTIVE DATE.**

14 The amendments made by this Act shall take effect  
15 1 year after the date of the enactment of this Act.

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