

play politics with this government shutdown.

Let me be clear: This legislation will not reopen the government. This has, once again, as we have seen for 3 weeks in a row now, House Democrats using valuable time on the floor of the House of Representatives to play partisan politics rather than to do our job to find a real solution to reopen shuttered agencies.

It is being reported that President Trump has invited several House Democrats to the White House today to discuss the government shutdown and potentially find solutions for compromise. Unfortunately, it is also being reported that several of my fellow House Members have rejected that invitation. If that is true, it demonstrates a serious neglect of our duties as representatives of the people.

As my friend from California, JACKIE SPEIER, rightly said just this morning on cable news: "I think when the President calls, it is incumbent upon us to respect the office and to attend the meeting. And if they have been asked, I would suggest that they go."

Madam Speaker, I could not agree more. Every single Member of this body should be working on behalf of the American people to reopen this government.

The President is demonstrating his willingness to compromise. I sincerely hope my Democratic colleagues will heed the invitation and come to the table with a real offer. Any rejection of this invitation is a shameful disregard of the seriousness of the situation before us.

Mrs. LOWEY. Madam Speaker, I am prepared to close. I reserve the balance of my time.

Ms. GRANGER. Madam Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. FLEISCHMANN).

Mr. FLEISCHMANN. Madam Speaker, I rise in opposition to H.J. Res. 27.

I thank Ranking Member GRANGER for allowing me to speak on this very important issue, and I thank my distinguished colleagues on the other side of the aisle. Mrs. LOWEY is a friend from New York. We have served together.

Madam Speaker, this situation is frustrating. We have come to a place right now where I received a phone call last night from the Commandant of the Coast Guard, Admiral Schultz. We talked about the wonderful men and women who are serving so well and so hard and who are not going to get a paycheck because of this situation.

We all want border security; I believe that. But I also believe that President Trump is right, that we need a wall, a barrier.

I happen to represent the people of the Third District of Tennessee—wonderful people, east Tennessee—and they tell me time and time again: Build a wall; have a border; keep us safe; but we also want the government open.

And when I look at the polling data, when I look at the phone calls, it is

high time that we get back to work, open the government, but keep us safe.

In our districts, we all represent Republicans and Democrats and Independents. Hopefully, most of the people vote. But even people who pay their taxes who decide not to vote, they count on the American Representatives, our House, to work, and they count on the Senate.

With all due respect, H.J. Res. 27 is dead on arrival in the United States Senate. We know that. The American people know that. The President knows that. We need a compromise on this wall issue right now that will satisfy security, that will keep the American people safe, and, yes, that will open the government.

Compromise is not a dirty word in this scenario. It is what we need to do, and we need good faith. I am not alleging bad faith on anyone in this body. I am saying it is time to call a timeout and get back to work and do the people's business.

They sent us here to govern. We need to govern. We need a wall. We need border security, and we need the government open. It is high time that we get there.

Ms. GRANGER. Madam Speaker, I yield 3 minutes to the gentleman from Florida (Mr. RUTHERFORD).

Mr. RUTHERFORD. Madam Speaker, I rise in opposition to this bill. Another week has gone by and we find ourselves with another exercise in futility.

As I said last week, these CRs are a waste of everyone's time and a waste of countless hours of hard work by members of staff on both sides of the aisle.

While we waste floor time and the American citizens' time, there are 800,000 families—and more—that are feeling the negative effects of the gamesmanship on the other side of the aisle. These effects are not limited to government employees. Contractors, small businesses, and the economy at large have been suffering for weeks.

Just the other day, in Jacksonville, I spoke with the father of a government subcontractor who explained to me how much this shutdown has hurt his son's livelihood.

Now, this idea that once the government is opened back up and government employees are going to receive their backpay, as I am sure most eventually will, there are many across this country who will not. His son is one of them.

And just to prove how ridiculous this entire thing is, due to the recalcitrance of Democrats, experts say that this shutdown has already cost our economy more than the President's request for the wall.

My colleagues on the other side of aisle want to score political points by denying our duly-elected President a campaign promise, a simple promise to protect the American citizen.

Rather than focusing energy on reaching a compromise with the Senate and the President to reopen the government and get Federal workers their

paychecks, we are spending time on our bills, bringing bills to the floor that have absolutely no chance of becoming law.

Here is my message to the House majority: Stop using working-class Americans as leverage and come to the table to find a compromise on behalf of the American people.

I have said it before, and I will say it again: If the Speaker is serious about opening the government and getting people back to work, bring a bill to the floor that the Senate will pass and the President will sign.

Mrs. LOWEY. Madam Speaker, I reserve the balance of my time.

Ms. GRANGER. Madam Speaker, I urge a "no" vote on this continuing resolution, and I yield back the balance of my time.

Mrs. LOWEY. Madam Speaker, it is time to end the Trump shutdown. Let's vote "yes."

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. LOWEY) that the House suspend the rules and pass the joint resolution, H.J. Res. 27.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. LOWEY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

FEDERAL EMPLOYEE ANTIDISCRIMINATION ACT OF 2019

Mr. CUMMINGS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 135) to amend the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 to strengthen Federal anti-discrimination laws enforced by the Equal Employment Opportunity Commission and expand accountability within the Federal Government, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 135

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Employee Antidiscrimination Act of 2019".

SEC. 2. SENSE OF CONGRESS.

Section 102 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended—

(1) in paragraph (4), to read as follows:

"(4) accountability in the enforcement of Federal employee rights is furthered when Federal agencies take appropriate disciplinary action against Federal employees who have been found to have committed discriminatory or retaliatory acts"; and

(2) in paragraph (5)(A)—

(A) by striking “nor is accountability” and inserting “but accountability is not”; and

(B) by inserting “for what by law the agency is responsible” after “under this Act”.

SEC. 3. NOTIFICATION OF VIOLATION.

Section 202 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended by adding at the end the following:

“(d) NOTIFICATION OF FINAL AGENCY ACTION.—

“(1) Not later than 30 days after a Federal agency takes final action or the Equal Employment Opportunity Commission issues an appellate decision involving a finding of discrimination or retaliation prohibited by a provision of law covered by paragraph (1) or (2) of section 201(a), as applicable, the head of the agency subject to the finding shall provide notice for at least 1 year on the agency’s internet website in a clear and prominent location linked directly from the agency’s internet home page stating that a finding of discrimination or retaliation has been made.

“(2) The notification shall identify the date the finding was made, the date or dates on which the discriminatory or retaliatory act or acts occurred, and the law or laws violated by the discriminatory or retaliatory act or acts. The notification shall also advise Federal employees of the rights and protections available under the respective provisions of law covered by paragraph (1) or (2) of section 201(a).”.

SEC. 4. REPORTING REQUIREMENTS.

(a) ELECTRONIC FORMAT REQUIREMENT.—

(1) IN GENERAL.—Section 203(a) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended—

(A) by inserting “Homeland Security and” before “Governmental Affairs”; and

(B) by inserting “Oversight and” before “Government Reform”; and

(C) by inserting “(in an electronic format prescribed by the Office of Personnel Management)” after “an annual report”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1)(C) shall take effect on the date that is 1 year after the date of enactment of this Act.

(3) TRANSITION PERIOD.—Notwithstanding the requirements of section 203(a) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note), the report required under such section may be submitted in an electronic format, as prescribed by the Office of Personnel Management, during the period beginning on the date of enactment of this Act and ending on the effective date in paragraph (2).

(b) REPORTING REQUIREMENT FOR DISCIPLINARY ACTION.—Section 203 of such Act is amended by adding at the end the following:

“(c) DISCIPLINARY ACTION REPORT.—Not later than 60 days after the date on which a Federal agency takes final action or a Federal agency receives an appellate decision issued by the Equal Employment Opportunity Commission involving a finding of discrimination or retaliation in violation of a provision of law covered by paragraph (1) or (2) of section 201(a), as applicable, the employing Federal agency shall submit to the Commission a report stating whether disciplinary action has been initiated against a Federal employee as a result of the violation.”.

SEC. 5. DATA TO BE POSTED BY EMPLOYING FEDERAL AGENCIES.

Section 301(b) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended—

(1) in paragraph (9)—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B)(ii), by striking the period at the end and inserting “, and”; and

(C) by adding at the end the following:

“(C) for each such finding counted under subparagraph (A), the agency shall specify—

“(i) the date of the finding;

“(ii) the affected agency;

“(iii) the law violated; and

“(iv) whether a decision has been made regarding necessary disciplinary action as a result of the finding.”; and

(2) by adding at the end the following:

“(11) Data regarding each class action complaint filed against the agency alleging discrimination or retaliation, including—

“(A) information regarding the date on which each complaint was filed;

“(B) a general summary of the allegations alleged in the complaint;

“(C) an estimate of the total number of plaintiffs joined in the complaint if known;

“(D) the current status of the complaint, including whether the class has been certified; and

“(E) the case numbers for the civil actions in which discrimination or retaliation has been found.”.

SEC. 6. DATA TO BE POSTED BY THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

Section 302(b) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended by striking “(10)” and inserting “(11)”.

SEC. 7. NOTIFICATION AND FEDERAL EMPLOYEE ANTIDISCRIMINATION AND RETALIATION ACT AMENDMENTS.

(a) NOTIFICATION REQUIREMENTS.—The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended by adding after section 206 the following:

“SEC. 207. COMPLAINT TRACKING.

“Not later than 1 year after the date of enactment of the Federal Employee Antidiscrimination Act of 2019, each Federal agency shall establish a system to track each complaint of discrimination arising under section 2302(b)(1) of title 5, United States Code, and adjudicated through the Equal Employment Opportunity process from inception to resolution of the complaint, including whether a decision has been made regarding necessary disciplinary action as the result of a finding of discrimination.

“SEC. 208. NOTATION IN PERSONNEL RECORD.

“If a Federal agency takes an adverse action covered under section 7512 of title 5, United States Code, against a Federal employee for an act of discrimination or retaliation prohibited by a provision of law covered by paragraph (1) or (2) of section 201(a), the agency shall, after all appeals relating to such action have been exhausted, include a notation of the adverse action and the reason for the action in the employee’s personnel record.”.

(b) PROCESSING AND REFERRAL.—The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended by adding at the end the following:

“TITLE IV—PROCESSING AND REFERRAL

“SEC. 401. PROCESSING AND RESOLUTION OF COMPLAINTS.

“Each Federal agency is responsible for the fair, impartial processing and resolution of complaints of employment discrimination and retaliation arising in the Federal administrative process and shall establish a model Equal Employment Opportunity Program that—

“(1) is not under the control, either structurally or practically, of a Human Capital or General Counsel office;

“(2) is devoid of internal conflicts of interest and ensures fairness and inclusiveness within the organization; and

“(3) ensures the efficient and fair resolution of complaints alleging discrimination or retaliation.

“SEC. 402. NO LIMITATION ON HUMAN CAPITAL OR GENERAL COUNSEL ADVICE.

“Nothing in this title shall prevent a Federal agency’s Human Capital or General Counsel office from providing advice or counsel to Federal agency personnel on the processing and resolution of a complaint, including providing legal representation to a Federal agency in any proceeding.

“SEC. 403. HEAD OF PROGRAM REPORTS TO HEAD OF AGENCY.

“The head of each Federal agency’s Equal Employment Opportunity Program shall report directly to the head of the agency.

“SEC. 404. REFERRALS OF FINDINGS OF DISCRIMINATION.

“(a) EEOC FINDINGS OF DISCRIMINATION.—Not later than 30 days after the Equal Employment Opportunity Commission issues an appellate decision involving a finding of discrimination or retaliation within a Federal agency, the Commission shall refer the matter to the Office of Special Counsel.

“(b) REFERRALS TO SPECIAL COUNSEL.—The Office of Special Counsel shall accept and review a referral from the Commission under subsection (a) for purposes of seeking disciplinary action under its authority against a Federal employee who commits an act of discrimination or retaliation.

“(c) NOTIFICATION.—The Office of Special Counsel shall notify the Commission in a case in which the Office of Special Counsel initiates disciplinary action.

“(d) SPECIAL COUNSEL APPROVAL.—A Federal agency may not take disciplinary action against a Federal employee for an alleged act of discrimination or retaliation referred by the Commission under this section except in accordance with the requirements of section 1214(f) of title 5, United States Code.”.

(c) CONFORMING AMENDMENTS.—The table of contents in section 1(b) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note) is amended—

(1) by inserting after the item relating to section 206 the following:

“Sec. 207. Complaint tracking.

“Sec. 208. Notation in personnel record.”; and

(2) by adding at the end the following:

“TITLE IV—PROCESSING AND REFERRAL

“Sec. 401. Processing and resolution of complaints.

“Sec. 402. No limitation on Human Capital or General Counsel advice.

“Sec. 403. Head of Program reports to head of agency.

“Sec. 404. Referrals of findings of discrimination.”.

SEC. 8. NONDISCLOSURE AGREEMENT LIMITATION.

Section 2302(b) of title 5, United States Code, is amended—

(1) in paragraph (13)—

(A) by inserting “or the Office of Special Counsel” after “Inspector General”; and

(B) by striking “implement” and inserting “(A) implement”; and

(C) by striking the period that follows the quoted material and inserting “; or”; and

(2) by adding after subparagraph (A), as added by paragraph (1)(B), and preceding the flush left matter that follows paragraph (13), the following:

“(B) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement prohibits or restricts

an employee from disclosing to Congress, the Office of Special Counsel, or an Office of the Inspector General any information that relates to any violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial, and specific danger to public health or safety, or any other whistleblower protection.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. CUMMINGS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. CUMMINGS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 135.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today I am very pleased to bring to the floor six bills from the Committee on Oversight and Reform. Each bill, I am very glad to say, enjoys bipartisan sponsorship. These measures will strengthen protections for Federal employees and for congressional interns and enhance accountability and improve the Federal procurement and grant processes.

The first measure we are bringing today is H.R. 135, the Federal Employee Antidiscrimination Act. This bill is essentially identical to legislation that has passed the House in each of the two previous Congresses. In the 114th Congress, the measure passed by a vote of 403-0; and in the last Congress, it passed by voice vote.

Madam Speaker, I thank my colleagues—Representatives MEADOWS, NORTON, SENSENBRENNER, and JACKSON LEE—for working with me on this measure.

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I thank them for their leadership and their commitment for improving our Federal equal opportunity programs.

Let me also thank Tanya Ward Jordan, Paulette Taylor, and all the members of the Coalition 4 Change, known as C4C, for their work on this measure and for their years of perseverance as we have worked to try to get this measure enacted into law.

One of my highest priorities as chairman of the Oversight Committee is to protect the right of every single Federal employee, every Federal job applicant, and indeed of every citizen, to equality of opportunity. While the clear majority of Federal workplaces are in compliance with the standards for a model Equal Employment Opportunity program promulgated by the Equal Employment Opportunity Commission, sadly, some still are not. It is past time for these failures to be corrected.

During our committee's bipartisan investigations of several different agencies—including the Forest Service, the Park Service, and the Transportation Security Administration—we have seen firsthand the consequences that employees suffer when agencies fail to operate model EEO programs or when they do not handle complaints of harassment and discrimination in a fair, timely, consistent, and thorough manner.

We have also seen how employees who file complaints with their agencies' EEO programs can be victimized again if appropriate steps are not taken to prevent the disclosure of complainants' identities and personal information.

H.R. 135 would strengthen the management of Federal EEO programs by requiring that they operate independently of agencies' human resources and general counsel offices. H.R. 135 would require that the head of each agency EEO program report directly to the head of the agency. This policy is critical to ensuring that agencies prioritize their EEO programs at the highest levels and that their sole purpose is to ensure equal opportunity for all employees.

H.R. 135 would strengthen the accountability mechanisms that are central to effectiveness of the EEO process. The bill would also prohibit any forms, policies, or agreements that seek to prevent an employee from disclosing waste, fraud, or abuse to Congress, the Office of Special Counsel, or an Inspector General.

Madam Speaker, the provisions in this bill are very simple, and the entire House has repeatedly supported them on a bipartisan basis. I urge my colleagues to support H.R. 135, and I urge the Senate to pass this bill as quickly as possible.

Let me be clear that while the measure before us is important to improving our Federal workplaces, many of those workplaces are shut down today, and they have been shut down longer than at any time in our great Nation's history. As the legislation before us proves, we can come together in a bipartisan manner to enact measures that will help the millions of Americans who work for the Federal Government.

As I have often said, our Federal employees do not want us, the government, to hurt them; they want us to help them. We ought to be able to come together on a bipartisan basis and take the simple step of reopening our government and ensuring that the programs and services on which our Nation depends are functioning and that the people who work for us get paid so they can take care of their families and take care of their bills, for they give their blood, their sweat, and their tears to keep our country together.

Madam Speaker, I reserve the balance of my time.

Ms. FOXX of North Carolina. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 135, the Federal Employee Antidiscrimination Act. H.R. 135 amends the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, commonly referred to as the No-FEAR Act, to better identify and correct instances of discrimination throughout the Federal Government.

Specifically, H.R. 135 requires Federal agencies to establish a system to track Equal Employment Opportunity complaints from beginning to end. This system must also track any disciplinary action that resulted from a finding of a discriminatory act. If a disciplinary action is taken by an agency against an employee, both the disciplinary action and the reason for the action must be included in the employee's personnel record.

H.R. 135 implements notification and reporting requirements for instances of discrimination within Federal agencies. Agencies must post a notice on their website if the agency or Equal Employment Opportunity Commission finds that a discriminatory or retaliatory act has occurred.

The bill also requires agencies to submit a report to the EEOC if a discriminatory or retaliatory act is found to have occurred. The report must include any disciplinary action initiated against an employee for discrimination or retaliation against another employee.

Lastly, the bill bars agencies from using nondisclosure agreements or policies to restrict Federal employees from reporting waste, fraud, and abuse to Congress, the Office of Special Counsel, and Inspectors General.

Madam Speaker, I thank Mr. CUMMINGS for his good work on this piece of legislation, I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. CUMMINGS. Madam Speaker, I yield 4 minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Madam Speaker, I thank the distinguished chairman for yielding, and I particularly thank him for his remarks concerning this bill.

I am particularly pleased to rise in support of this bill as a former chair of the Equal Employment Opportunity Commission. This bill strengthens the protections Federal employees enjoy under the antidiscrimination laws of our country.

It reinforces the importance of this antidiscrimination provisions by requiring that the head of that program report directly to the agency head. It expands notification of findings of discrimination and any action that has been taken pursuant to those findings. Surely, we understand the importance of this section at a time when we have just recently passed the sexual harassment provisions, and, of course, we can see the deterrent effect of assuring any disciplinary action that has been taken is known to the public.

Finally, the bill bars agreements that would keep employees from disclosing any kind of Federal violation, as well as fraud, waste, and abuse. The latter provision is normally called a whistleblower provision.

Madam Speaker, I particularly appreciate that the chairman has brought this bill to the floor—I am sure it is noncontroversial—but he has brought it at a time when Federal employees are experiencing the longest shutdown in U.S. history. This bill cannot and does not purport to make up in any way for the effects of the shutdown. But this bill sends a message to Federal employees that they are particularly valued and, so far as I can tell, it sends it in a unanimous fashion, just as the shutdown should have a unanimous resolution.

It happens that around 62,000 Federal employees live in my own district, because this is the Capital of the United States—the 62,000, I should add, who are furloughed or working with no pay.

But I want to remind Members that each and every Member of this body has Federal employees who are at home desiring to work and are furloughed as I speak. Though I represent a large number, some Members from the far West States should know that they are among those who represent the largest number of Federal employees. That is how dependent they are far away from Washington on Federal employees.

Madam Speaker, the President seems to have moved a step away from claiming dictatorial powers to commandeer Federal funds to open the government. That is probably because somebody drew to his attention the extraordinary spectrum of constitutional, legal, political, and financial issues that would be raised, not to mention a court suit that is probably being prepared, just in case, as I speak.

But, Madam Speaker, I am coming to the floor as well to urge our committee—and the new Democratic majority of which I am a member—to use this crisis of Trump's making to carefully rethink the President's emergency powers, leaving him ample room to move in case of an actual emergency while giving Congress more latitude to contain executive excess.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CUMMINGS. Madam Speaker, I yield the gentlewoman from the District of Columbia an additional 2 minutes.

Ms. NORTON. Madam Speaker, in the meantime, I want to lay before the House the easiest of compromises. When I was a tenured professor of law at Georgetown University Law School, I taught negotiations. We usually worked with a number of issues in a negotiation at the same time. However, the easiest compromise to reach is one that involves a number. The number the President clings to is \$5 billion. I can think of endless ways—and I am sure every Member can—to compromise that number.

So in the name of a mounting number of Americans who are beginning to feel the consequences of the shutdown, though they are not Federal employees—not to mention the Federal employees themselves—I am asking even for my side to make a more concerted effort to reach an agreeable number, even though the polls show that the American people are with the Democrats on this issue.

As a suggestion, I ask that the Democrats appoint a subcommittee and that the administration do the same to sit down and hammer out an acceptable compromise.

For more than two centuries now, we have operated under a separation-of-powers government to make tyrannical rule nearly impossible. Even Trump is hesitating to declare an emergency to get his border wall. That throws the ball in our camp, we who are Democrats who control this House. I ask that we accept it, use it, run with it, and settle this matter now.

Madam Speaker, I thank the gentleman for yielding.

Ms. FOXX of North Carolina. Madam Speaker, I would like to make the gentleman from Maryland aware that I have no further speakers, and I am prepared to close.

Mr. CUMMINGS. Madam Speaker, may I inquire as to how much time remains?

The SPEAKER pro tempore. The gentleman from Maryland has 8 minutes remaining.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I just want to associate myself with the words of the gentlewoman from the District of Columbia. So often what we see is our Federal employees often being criticized when it came to trying to find money when we have budgetary problems. It seems that there is an effort to constantly go in to the Federal employees and make them pay. And they do all kinds of jobs. I agree with the gentlewoman. This bill does not solve the problem with the shutdown.

□ 1300

At least I hope that we are sending a message to them that we care about them and that we understand and we feel their pain.

I agree with the gentlewoman. In some kind of way, we ought to be able to move from where we are to getting folks back to work, an independent group looking at, perhaps, the issues that confront the compromisers—that is, looking at this wall—and deal with that at some other time. But we need to get people back to work.

People are in pain. They are feeling it. Not only are the employees feeling it, but all the people who are coming into the various parks or whatever, who simply want to have a nice day, who simply want to have some reasonable entertainment that does not cost them a lot by going for a walk in the

park; for getting the services that are needed; for making sure that our airplanes do not have folks on them carrying guns.

These folks who we saw in the airport over the weekend, they are the same ones who are coming in day after day and working for no pay. We are better than that, and I am praying that we will get this issue resolved.

The gentlewoman from the District of Columbia talked about the number of people who she has in her district who are Federal employees. We, in Maryland, have over 100,000 Federal employees, and we have so many people who work for the Federal Government through contracting. There must be a way to get this done.

I am going to close, but I will give the gentlewoman her opportunity, and then I will come back, Madam Speaker. Therefore, I reserve the balance of my time.

Ms. FOXX of North Carolina. Madam Speaker, I urge adoption of the bill, and I yield back the balance of my time.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

I thank my colleagues who worked very hard on this bill: Congressman MEADOWS, Congresswoman NORTON, Congressman SENSENBRENNER, and Congresswoman JACKSON LEE. All of them worked in a strong, bipartisan way to make this happen.

H.R. 135 is a simple, straightforward measure that would make a handful of changes to require the Federal agencies' equal employment opportunity programs conform to the model standards set forth by the Equal Employment Opportunity Commission and to strengthen accountability.

This bill has had overwhelming bipartisan support from the entire House of Representatives for years, and I urge the Senate to pass this measure as soon as possible.

As I close, I do not want to address extraneous issues that have previously arisen regarding this measure in the Senate Homeland Security and Governmental Affairs Committee. I want to be crystal clear that I believe that the supervisors who engage in discriminatory or retaliatory actions must be held accountable. However, this can be accomplished without curtailing any existing due process rights for Federal employees, and I will continue to oppose efforts to roll back due process rights.

Madam Speaker, I urge the House to vote in favor of this bill, and I yield back the balance of my time.

Ms. JACKSON LEE. Madam Speaker, I rise in support of H.R. 135 the "Federal Employee Anti-Discrimination Act of 2019," which will strengthen the policies governing federal agencies' management of Equal Employment Opportunity (EEO) programs by amending the Notification and Federal Employee Anti-Discrimination and Retaliation Act of 2002.

Equal Employment Opportunity programs enable federal employees or applicants who believe they have been the victims of discrimination to file a complaint about the alleged discrimination.

I support this legislation because it works to expand accountability within the federal government as federal agencies take appropriate disciplinary action against federal employees who have been found to have committed discriminatory or retaliatory acts.

In 2012, federal employees and applicants for employment filed nearly 16,000 EEO complaints; most of which were handled accordingly, but some federal agencies still have not met the standards of a model EEO program set forth by the Equal Employment Opportunity Commission (EEOC).

This legislation would require each federal agency to ensure its EEO program is not under the control of the agency's human resources or general counsel offices and that the head of the program reports directly to the agency head.

Madam Speaker, this bill would also expand the notifications that agencies are required to provide when discrimination is found to have occurred, and it would require agencies to track and report whether necessary disciplinary action has been taken.

Additionally, H.R. 135 would prohibit policies, forms, or agreements that prohibit or restrict an employee from disclosing to Congress, the Office of Special Counsel, or any Inspector General any information that relates to any violation of any law, rule, or regulation or any instance of waste, fraud, or abuse.

Fighting discrimination is a commitment the federal government needs to make, beginning with their own employees at home and abroad.

Men, women, of every race and religion deserve the same representation and protection under the United States government, and in order to fulfill the requirements of their job to the best of their ability, their right to not be discriminated against needs to be upheld.

In 2013, Texas employers received almost 10 percent of the nation's federal employment discrimination, harassment and retaliation allegations, at about 9,000 total charges.

I support this legislation because I support the rights of federal employees to feel safe and represented in their working environments, and obtain the correct protection they desire and deserve.

For these reasons, I ask my colleagues to join me in supporting H.R. 135 to strengthen the policies surrounding work place discrimination in the federal government.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and pass the bill, H.R. 135.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CUMMINGS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

FEDERAL INTERN PROTECTION ACT OF 2019

Mr. CUMMINGS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 136) to amend title 5, United

States Code, to protect unpaid interns in the Federal Government from workplace harassment and discrimination, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 136

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Intern Protection Act of 2019".

SEC. 2. PROHIBITED PERSONNEL PRACTICES.

(a) IN GENERAL.—Section 2302 of title 5, United States Code, is amended by adding at the end the following:

"(g)(1) All protections afforded to an employee under subparagraphs (A), (B), and (D) of subsection (b)(1) shall be afforded, in the same manner and to the same extent, to an intern and an applicant for internship.

"(2) For purposes of the application of this subsection, a reference to an employee shall be considered a reference to an intern in—

"(A) section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16);

"(B) sections 12 and 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 631, 633a); and

"(C) section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791).

"(3) In this subsection, the term 'intern' means an individual who performs uncompensated voluntary service in an agency to earn credit awarded by an educational institution or to learn a trade or occupation."

(b) CONFORMING AMENDMENT.—Section 3111(c)(1) of title 5, United States Code, is amended by inserting "section 2302(g) (relating to prohibited personnel practices)," before "chapter 81".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. CUMMINGS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. CUMMINGS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 136.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

The bill before us, the Federal Intern Protection Act, would close a loophole in Federal employment law that currently leaves unpaid interns open to discrimination and sexual harassment without any legal recourse.

The Committee on Oversight and Reform has held multiple hearings about sexual harassment and retaliation occurring in various Federal agencies, including the Environmental Protection Agency, the National Park Service, and the Forest Service.

During these hearings, both my Republican colleagues and I expressed our disgust at the exploitation of female employees and interns, and we demanded action to prevent future abuse.

Unfortunately, the act of harassing unpaid interns on the basis of race, religion, age, or sex is not currently prohibited by Federal law. Under existing law, victims rely on the discretion and integrity of managers to prevent this behavior.

One witness who testified before our committee told us that managers do not always address the problem as they should and may actually be, in fact, a part of the problem.

The witness stated: "Even after finding out about the numerous harassment victims, the direct reporting manager continued to feed the harasser a steady diet of young women."

We saw at our hearings that allowing this kind of behavior to go unchecked can have serious consequences on the lives and careers of those who are interested in government service. Our bill will give Federal interns the same protections already provided to Federal employees.

This measure passed the House in previous Congresses, and I urge my colleagues to join me in ensuring that this legislation passes our Chamber once again today.

I want to speak to the Congressional Intern Protection Act, related legislation I introduced, which gives protections to congressional interns and which was passed at the end of the last Congress as a part of a package of reforms to the Congressional Accountability Act.

This is a great start, but more must be done. Along with the Federal Intern Protection Act, I introduced the Unpaid Intern Protection Act, which would provide these protections to interns in the private sector.

Madam Speaker, I reserve the balance of my time.

Ms. FOXX of North Carolina. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 136, the Federal Intern Protection Act. The Federal Government is well served by interns who provide invaluable assistance to agencies. Many of the staff here in Congress itself began as interns, and I know my office, over the years, has been extremely well served by interns who have gone on to become a real credit where they have found themselves employed.

Interns work alongside career Federal employees, helping to conduct agency business on behalf of the American people. Federal internship programs help agencies identify and develop the next generation of Federal employees. In exchange, interns gain valuable work experience.

Many interns are students who benefit from the opportunity to develop experience in a field they might hope to enter upon graduation. Some students even receive credit they can apply at their institution of learning.

Unfortunately, there are no existing provisions in Federal law that protect interns working at Federal agencies from harassment or discrimination.