

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.

In *O'Connor v. Davis*, the United States Court of Appeals for the Second Circuit upheld the district court decision, finding an intern could not bring sexual harassment claims under Federal law. The court reasoned that the intern was not an employee and she was, therefore, not covered by existing law.

The court concluded that: ‘‘It is for Congress, if it should choose to do so, . . . to provide a remedy.’’

H.R. 136 provides the remedy. The Federal Intern Protection Act ensures interns working for the Federal Government receive the same protections as employees. The bill prohibits discrimination based on race, color, religion, sex, national origin, age, or disability for interns working at Federal agencies.

Discrimination disadvantages eager-to-work interns, but discrimination also disadvantages Federal agencies by interfering with the selection of the best intern candidate.

I thank my colleague from Maryland, Mr. CUMMINGS, for his sponsorship of this bill and for his leadership and commitment to protecting interns who work for the Federal Government, and I urge all Members to support the bill.

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.

Madam Speaker, H.R. 136 is a commonsense measure that would close a loophole in the Federal employment law that currently leaves the youngest, most vulnerable group of our constituents open to harassment and discrimination without legal recourse to protect them.

This bipartisan bill passed our Chamber in the last Congress, reflecting bipartisan agreement that we need to solidify protections for Federal interns and ensure they have the same protections already provided to Federal employees.

As I close, I want to be clear that this bill responds to very real instances of interns being victimized within the Federal Government. Without this bill, victims will be forced to continue to rely on the discretion and integrity of the managers to prevent this behavior.

I still say we can do better than that, so I urge the House to join me today in supporting this measure. I look forward to working with my Senate colleagues to move this bill through the Senate and, finally, get it to the President's desk.

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

Mr. CASTEN of Illinois. Madam Speaker, today I will cast my vote in favor of H.R. 136, The Federal Intern Protection Act of 2019. But I will do so with the concern that it does not go far enough. This bill, for all of the improved protections it does afford, fails to provide to Federal interns with the basic safeguards against harassment that are common to their counterparts in corporate America.

Having spent 16 years as a CEO of companies ranging from 10–200 employees, I know this subject well. In my private-sector workplaces, our harassment policies protected paid and unpaid employees from harassment as this bill does. But those policies did not stop there. We also prohibited harassment against any contractors or suppliers who were on our premises or who were working with our staff in environments that were reasonably considered to be work related—for example, at an off-site dinner meeting.

We then went further still and required that any contractors or suppliers who required access to our facilities also agree to be bound by those policies. We did not do this out of legal obligation, but because it made our workplaces and employees safer and more productive.

I respectfully submit that we should do the same in this body. To be sure, it may be difficult for us to obligate anyone in our offices to be fully bound by our policies. But surely we can provide a safer workspace not only for our paid and unpaid employees but also for committee staff, and staff from other Members' offices, as well as visitors.

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. 136.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### INSPECTOR GENERAL ACCESS ACT OF 2019

Mr. CUMMINGS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 202) to amend the Inspector General Act of 1978 relative to the powers of the Department of Justice Inspector General.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 202

*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 ‘‘Inspector General Access Act of 2019’’.

#### SEC. 2. INVESTIGATIONS OF DEPARTMENT OF JUSTICE PERSONNEL.

Section 8E of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

- (1) in subsection (b)—
  - (A) in paragraph (2), by striking ‘‘and paragraph (3)’’;
  - (B) by striking paragraph (3);
  - (C) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and
  - (D) in paragraph (4), as redesignated, by striking ‘‘paragraph (4)’’ and inserting ‘‘paragraph (3)’’; and
- (2) in subsection (d), by striking ‘‘, except with respect to allegations described in subsection (b)(3),’’.

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.

□ 1315

#### GENERAL LEAVE

Mr. CUMMINGS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the measure before us today.

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, I rise today in strong support of H.R. 202, the Inspector General Access Act. I thank Representatives RICHMOND, HICE, and LYNCH for the bipartisan manner in which they worked on this very important bill in the last Congress.

The Inspector General Access Act would allow the inspector general of the Department of Justice to investigate allegations of misconduct by Department attorneys. The IG is statutorily independent and currently has the authority to investigate other DOJ personnel.

The IG is barred from pursuing appropriate investigations into attorneys at the Department. Under current law, the authority to investigate attorneys is restricted to the Office of Professional Responsibility within DOJ. OPR is not statutorily independent, and its head is not confirmed by the Senate like the IG is. Treating attorneys differently from other personnel is simply unfair.

Michael Horowitz, the inspector general at the Department of Justice, recently testified before our Committee on Oversight and Reform, and this is what he said: ‘‘This bifurcated jurisdiction creates a system where misconduct by FBI agents and other DOJ law enforcement officers is conducted by a statutorily-independent IG appointed by the President and confirmed by the Senate, while misconduct by DOJ prosecutors is investigated by a component head who is appointed by the Department's leadership and who lacks statutory independence. There is no principled reason for treating misconduct by Federal prosecutors differently than misconduct by DOJ law enforcement agents.’’

H.R. 202 would not prohibit OPR from investigating attorneys. It would simply add the ability to investigate attorneys, when appropriate to the IG's authority, an additional layer of accountability.

Empowering IGs has been and should continue to be a nonpartisan issue. The Committee on Oversight and Reform relies on the work of IGs. We strongly support efforts to help them do their jobs effectively and efficiently.

A bill identical to the one before us passed the House on a voice vote in the last Congress. I urge my colleagues to continue their support for IGs by supporting the Inspector General Access Act.