

A motion to reconsider was laid on the table.

FEDERAL INTERN PROTECTION
ACT OF 2015

Mr. CHAFFETZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3231) to amend title 5, United States Code, to protect unpaid interns in the Federal government from workplace harassment and discrimination, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3231

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 2015".

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 Utah (Mr. CHAFFETZ) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous materials on the bill under consideration.

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

There was no objection.

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

I rise today in support of H.R. 3231, the Federal Intern Protection Act of 2015, as introduced by the ranking member, Mr. CUMMINGS. This is a bill brought to my attention by him. We took it through the process in our committee and marked it up, and here we are on the floor.

The bill establishes some important protections against the workplace dis-

crimination and harassment of both unpaid Federal interns and applicants for Federal internships. Currently, there are no specific provisions in law to protect these unpaid interns.

H.R. 3231 makes it illegal to discriminate, to sexually harass, or to retaliate against unpaid Federal interns and applicants for Federal internships.

Specifically, the bill protects against discrimination and harassment on the basis of race, color, religion, sex, or national origin under the Civil Rights Act of 1967, under the Age Discrimination in Employment Act of 1967, and under the handicapping condition under the Rehabilitation Act of 1973.

Unpaid interns, similar to paid employees, are to be considered protected against discrimination and harassment.

I thank Mr. CUMMINGS for his passion on this issue to guard against this discrimination and harassment. I look forward to supporting this bill. I am glad we could bring it to the floor today.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. 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.

Earlier this year our committee held a hearing at which we heard testimony about sexual harassment and retaliation in an EPA regional office. During that hearing, both Chairman CHAFFETZ and I expressed our disgust at the exploitation of these young women and demanded that action be taken to prevent this in the future.

Unfortunately, the act of harassing unpaid interns on the basis of race, religion, age, or, in this case, sex is not prohibited by Federal law. Under current law, victims rely on the discretion of managers to prevent the recurrence of this behavior, something that does not always occur.

As one witness testified: “Even after finding out about the numerous harassment victims, the direct reporting manager continued to feed the harasser a steady diet of young women.”

As we saw at our hearing, 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 and on those who are simply trying to be all that God meant for them to be. There are many unpaid interns who are willing to commit to working for the Federal Government. We should protect them from this kind of despicable behavior.

I want to take a moment to thank Chairman CHAFFETZ for helping us to move this bill through the committee expeditiously and to bring it to the floor. As a matter of fact, in our committee, we received a unanimous vote on it, and I am hoping that there will be a unanimous vote on the floor today.

I thank him and I thank his staff and our staff for pulling all of this together to get us to this moment.

Mr. Speaker, I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I have no additional speakers.

I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 3231, the Federal Intern Protection Act.

This bill would amend title 5 of the U.S. Code to extend protections against discrimination and harassment to unpaid interns who work at Federal agencies. The bill would define an intern as someone who performs uncompensated voluntary service in an agency to earn credit awarded by an educational institution or to learn a trade or occupation.

Internships are often the first real entry into a profession; yet, unpaid interns are not expressly protected from the discriminatory practices prohibited by the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Rehabilitation Act, and other laws and regulations. This bill would remedy this problem and extend those workplace protections to unpaid interns who may be vulnerable to egregious treatment.

Madam Speaker, all too often, when unpaid interns have taken cases of workplace discrimination to the courts, the courts have ruled against them. In the Second Circuit, a unanimous panel of judges concluded that unpaid interns are not employees covered by existing laws.

In the 1997 case of O'Connor v. Davis, an employee at a State hospital harassed an unpaid intern, calling her Miss Sexual Harassment and subjecting her to sexually explicit comments.

The court stated that it was not unsympathetic to O'Connor's situation and acknowledged that she was not in quite the same position to simply walk away from the alleged harassment, as her success at school was dependent on her successfully completing her internship.

The Second Circuit noted that Ms. O'Connor's dependency on her employer made her vulnerable to continued harassment much as an employee dependent on a regular wage can be vulnerable to ongoing misconduct.

Despite that, the Second Circuit concluded: “It is for Congress, if it should choose to do so, and not this court to provide a remedy under either title VII or title IX for plaintiffs in O'Connor's position.”

As ranking member of the House Committee on Education and the Workforce, I urge Congress to do more to protect unpaid interns, be it in the Federal sector, in the Halls of Congress, or in the private sector.

The House Committee on Education and the Workforce has jurisdiction

over legislation that strengthens worker protections and defends the civil rights laws of workers, including fighting against discrimination and supporting diversity in the workplace.

Now that the House is about to complete the consideration of H.R. 3231, covering Federal workers, I am calling on the leadership of the Committee on Education and the Workforce to move expeditiously to consider the companion legislation, H.R. 3232, the Unpaid Intern Protection Act. That bill would ensure that unpaid interns in the private sector are free from discrimination and harassment as prohibited by the Civil Rights Act.

□ 1745

Extending workplace protections to nonpaid interns, who under current law lack the protections provided by civil rights laws, should be a priority for the Committee on Education and the Workforce, and that is because internships have become such an important part of the workforce.

According to the 2014 State of Internships Report from a college intern database, InternMatch, about two-thirds of interns surveyed said internships were important for long-term career advancement and about the same number even stated that internships should be mandatory. Student surveys showed that over 60 percent want to intern in the private sector, about 14 percent in the government sector, and 19 percent in nonprofit organizations.

As Members of Congress, our position should be clear. Regardless of whether an internship is at a Federal agency, on Capitol Hill, or at a Fortune 500 company, we must ensure that the unpaid status of interns does not leave them without a remedy when their civil rights are violated. To that end, we should begin by passing H.R. 3231, the Federal Intern Protection Act.

We should then start working on legislation to provide similar protections to unpaid interns who work in the private sector.

I want to thank Ranking Member CUMMINGS for his leadership on this bill, along with my fellow cosponsors, the gentlewoman from New York (Ms. MENG) and the Delegate from Washington, D.C. (Ms. NORTON).

I urge a "yes" vote on this bill.

Mr. CHAFFETZ. Madam Speaker, there are some good young people who are getting their education. They are excited. They have their whole life in front of them. They get this amazing opportunity to do this internship. Maybe it is a month, maybe it is 3 months, maybe it is 6 months. It is just a limited portion of time. That is where they are going to get a base of knowledge and experience that they are going to be able then to parlay and take into the workforce. It is going to help shape and mold their futures.

As Members, every one of us rely on interns. We have them in our offices in our districts and we have them in our offices in Washington, D.C. We see

them in the private sector. We see them all over the place. They provide a valuable role.

Unfortunately, there are some young people—and we have heard these stories, and they are horrific—who go into this situation, and somebody in power, somebody who does get a paycheck, somebody who does control their time, does ask them to do tasks—does the unforgivable and asks them—or does something to them that they should never do.

To hear this story that there isn't a law on the books so the courts can help take care of it, that is just not an excuse. We do a lot of things in this body, and I would like to think this is one of the really good things that we do here today, is pass a piece of legislation like this so we can protect these young people, because if somebody does break the law and does go forward and does do something unforgivable, they have some recourse.

If we are going to take their time and we are going to use the resources of these young people, those people in charge should be held accountable. I think that is the good we are doing here today.

So to those particularly young women—I am sure there are young men out there too, I just haven't heard as many of their stories—to those young women, at least, I hope we are listening and we are doing something good. That is why I encourage the passage of this bill.

I reserve the balance of my time.

Mr. CUMMINGS. Madam Speaker, I yield 3 minutes to the gentlewoman from New York (Ms. MENG), one of the cosponsors of this bill.

Ms. MENG. Madam Speaker, I rise today to express strong support for H.R. 3231, the Federal Intern Protection Act of 2015.

Madam Speaker, internships are increasingly considered a resume necessity for entry-level positions in both the public and private sector. More and more, businesses, organizations, and government agencies consider internships a prerequisite experience to full-time employment. In fact, on college campuses across this country, career service officers push their students to obtain competitive internships because they provide valuable professional experiences and are considered essential.

What we often forget is that unpaid interns are amongst the most vulnerable of workers. They need these internships to succeed in their careers. Yet, they are powerless to protect themselves from discrimination and sexual harassment. Facing these challenges can be devastating to young interns at the beginning of their careers.

One year ago, a brave and intelligent young woman, Christina, came to my district office to talk to me about her experiences as an unpaid intern. Christina had faced sexual harassment. She had no legal recourse, but she refused to stay silent. She came to my office with a fellow college student, Anna.

They told me about the experiences of many young college students who had faced sexual harassment as unpaid interns. I stand here on their behalf today because we can do something about this.

State legislatures across this country have started to listen. New York, Oregon, Illinois, California, Connecticut, New Jersey, Washington, D.C., and New York City have all passed some form of protection for unpaid interns.

Unpaid internships in Federal agencies, in particular, are coveted and competitive positions. The Federal Intern Protection Act of 2015 directly addresses this vulnerability by extending existing Federal protections under the Civil Rights Act of 1964 to unpaid interns working for the Federal Government. We can provide vulnerable interns in the Federal Government with the protections they deserve.

I would like to thank my colleague, Representative CUMMINGS, for his leadership on this issue. I also thank Representative SCOTT of Virginia and Ms. ELEANOR HOLMES NORTON and their staff for all of their hard work.

Mr. CHAFFETZ. I reserve the balance of my time.

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

Madam Speaker, there have been several cases where interns have tried to bring suit and the courts have said that you have no remedy. Chairman CHAFFETZ is absolutely right. It is sad when you can have such an egregious act but no remedy. I think one of the most frustrating things for anyone is when they have been harmed or when they have been treated wrongfully and there is no remedy, there is a problem.

The courts have said over and over again: Congress, if you want there to be a remedy, then you have to act. That is exactly what we are doing today. I think it says a lot for us as a Congress, and I think it says a lot for us as a Nation.

Going back to some of the words of Chairman CHAFFETZ, when we look at unpaid interns, they do come to these offices trying to get experience and trying to learn the duties and the responsibilities of a certain job. They realize that by doing this, it may very well change in a positive way the trajectory of their destiny. They come in with those high expectations, only to have them destroyed. Sometimes the damage can last not for a day or for a week, but for a lifetime.

Then there is another piece that I think a lot of people don't think about, and that is that it is not always the deed, but it is also the memory of having gone through these types of incidents.

I think this is a very important piece of legislation. I would urge my colleagues to vote for it.

Again, I thank the chairman, because we sat there in a hearing and we heard about a very bad case. A lot of people wonder about the value of hearings

sometimes, but out of that hearing came this legislation. So, again, I thank the chairman for all of his hard work in helping us get the bill to the floor.

I yield back the balance of my time. Mr. CHAFFETZ, Madam Speaker, I appreciate the kind words, and I appreciate the dedication and commitment of Mr. CUMMINGS, Mr. SCOTT of Virginia, and others who care deeply about this. I do as well. To be able to play a role to help shepherd it to this point is an honor and a privilege.

I urge its passage. I yield back the balance of my time. The SPEAKER pro tempore (Ms. ROSELEHTINEN). The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, H.R. 3231, as amended.

The question was taken. The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. CHAFFETZ, 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.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 55 minutes p.m.), the House stood in recess.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HOLDING) at 6 o'clock and 30 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1644, SUPPORTING TRANS-PARENT REGULATORY AND ENVIRONMENTAL ACTIONS IN MINING ACT; PROVIDING FOR CONSIDERATION OF S.J. RES. 22, PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE CORPS OF ENGINEERS AND THE ENVIRONMENTAL PROTECTION AGENCY; PROVIDING FOR CONSIDERATION OF H.R. 3662, IRAN TERROR FINANCE TRANSPARENCY ACT; AND PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM JANUARY 14, 2016, THROUGH JANUARY 22, 2016

Mr. NEWHOUSE, from the Committee on Rules, submitted a privileged report (Rept. No. 114-395) on the resolution (H. Res. 583) providing for consideration of the bill (H.R. 1644) to amend the Surface Mining Control and

Reclamation Act of 1977 to ensure transparency in the development of environmental regulations, and for other purposes; providing for consideration of the joint resolution (S.J. Res. 22) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Corps of Engineers and the Environmental Protection Agency relating to the definition of "waters of the United States" under the Federal Water Pollution Control Act; providing for consideration of the bill (H.R. 3662) to enhance congressional oversight over the administration of sanctions against certain Iranian terrorism financiers, and for other purposes; and providing for proceedings during the period from January 14, 2016, through January 22, 2016, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

- H.R. 598, by the yeas and nays;
- H.R. 3231, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

TAXPAYERS RIGHT-TO-KNOW ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 598) to provide taxpayers with an annual report disclosing the cost and performance of Government programs and areas of duplication among them, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 20, as follows:

[Roll No. 34]
YEAS—413

- | | | |
|----------|----------------|---------------|
| Abraham | Bilirakis | Brooks (AL) |
| Adams | Bishop (GA) | Brooks (IN) |
| Aderholt | Bishop (MI) | Brown (FL) |
| Aguilar | Bishop (UT) | Brownley (CA) |
| Allen | Black | Buchanan |
| Amash | Blackburn | Buck |
| Amodei | Blum | Bucshon |
| Ashford | Blumenauer | Burgess |
| Babin | Bonamici | Bustos |
| Barletta | Bost | Butterfield |
| Barr | Boustany | Byrne |
| Barton | Boyle, Brendan | Capuano |
| Bass | F. | Cardenas |
| Beatty | Brady (PA) | Carson (IN) |
| Benishek | Brady (TX) | Carter (GA) |
| Bera | Brat | Carter (TX) |
| Beyer | Bridenstine | Cartwright |

- | | | |
|----------------|-----------------|------------------|
| Castor (FL) | Guinta | McCollum |
| Castro (TX) | Guthrie | McDermott |
| Chabot | Gutiérrez | McGovern |
| Chaffetz | Hahn | McHenry |
| Chu, Judy | Hanna | McKinley |
| Ciulline | Hardy | McMorris |
| Clark (MA) | Harper | Rodgers |
| Clarke (NY) | Harris | McNerney |
| Clawson (FL) | Hartzler | McSally |
| Clay | Hastings | Meadows |
| Cleaver | Heck (NV) | Meehan |
| Coffman | Heck (WA) | Meeks |
| Cohen | Hensarling | Meng |
| Cole | Herrera Beutler | Messer |
| Collins (GA) | Hice, Jody B. | Mica |
| Collins (NY) | Higgins | Miller (FL) |
| Comstock | Hill | Miller (MI) |
| Conaway | Himes | Moolenaar |
| Connolly | Hinojosa | Mooney (WV) |
| Conyers | Holding | Moore |
| Cook | Hoyer | Moulton |
| Cooper | Hudson | Mullin |
| Costa | Huelskamp | Mulvaney |
| Costello (PA) | Huffman | Murphy (FL) |
| Courtney | Huizenga (MI) | Murphy (PA) |
| Crawford | Hultgren | Nadler |
| Crenshaw | Hunter | Napolitano |
| Crowley | Hurd (TX) | Neal |
| Cuellar | Hurt (VA) | Neugebauer |
| Culberson | Israel | Newhouse |
| Cummings | Issa | Noem |
| Curbelo (FL) | Jackson Lee | Nolan |
| Davis (CA) | Jeffries | Norcross |
| Davis, Danny | Jenkins (KS) | Nugent |
| Davis, Rodney | Jenkins (WV) | Nunes |
| DeFazio | Johnson (GA) | O'Rourke |
| DeGette | Johnson (OH) | Olson |
| Delaney | Johnson, E. B. | Pallone |
| DeLauro | Johnson, Sam | Palmer |
| DelBene | Jolly | Pascrell |
| Denham | Jones | Paulsen |
| Dent | Jordan | Payne |
| DeSantis | Joyce | Pearce |
| DeSaulnier | Kaptur | Pelosi |
| DesJarlais | Katko | Perlmutter |
| Deutch | Keating | Perry |
| Diaz-Balart | Kelly (IL) | Peters |
| Dingell | Kelly (MS) | Peterson |
| Doggett | Kelly (PA) | Pingree |
| Dold | Kildee | Pittenger |
| Donovan | Kilmer | Pitts |
| Doyle, Michael | King (IA) | Pocan |
| F. | King (NY) | Poe (TX) |
| Duckworth | Kinzinger (IL) | Poliquin |
| Duffy | Kirkpatrick | Polis |
| Duncan (TN) | Kline | Pompeo |
| Edwards | Knight | Posey |
| Ellison | Kuster | Price (NC) |
| Ellmers (NC) | Labrador | Price, Tom |
| Emmer (MN) | LaHood | Quigley |
| Engel | LaMalfa | Rangel |
| Eshoo | Lamborn | Ratcliffe |
| Esty | Lance | Reed |
| Farenthold | Langevin | Reichert |
| Farr | Larsen (WA) | Renacci |
| Fattah | Larson (CT) | Ribble |
| Fincher | Latta | Rice (NY) |
| Fitzpatrick | Lawrence | Rice (SC) |
| Fleischmann | Lee | Rigell |
| Fleming | Levin | Roby |
| Flores | Lewis | Roe (TN) |
| Forbes | Lieu, Ted | Rogers (AL) |
| Fortenberry | Lipinski | Rogers (KY) |
| Foster | LoBiondo | Rohrabacher |
| Fox | Loeb | Rokita |
| Frankel (FL) | Lofgren | Rooney (FL) |
| Franks (AZ) | Long | Ros-Lehtinen |
| Frelinghuysen | Loudermilk | Roskam |
| Fudge | Love | Ross |
| Gabbard | Lowenthal | Rothfus |
| Gallego | Lowey | Rouzer |
| Garamendi | Lucas | Roybal-Allard |
| Garrett | Luetkemeyer | Royce |
| Gibbs | Lujan Grisham | Ruiz |
| Gibson | (NM) | Ruppersberger |
| Gohmert | Lujan, Ben Ray | Russell |
| Goodlatte | (NM) | Ryan (OH) |
| Gosar | Lummis | Salmon |
| Gowdy | Lynch | Sánchez, Linda |
| Graham | MacArthur | T. |
| Granger | Maloney | Sanchez, Loretta |
| Graves (GA) | Carolyn | Sanford |
| Graves (MO) | Maloney, Sean | Sarbanes |
| Grayson | Marchant | Scalise |
| Green, Al | Marino | Schakowsky |
| Green, Gene | Massie | Schiff |
| Griffith | Matsui | Schrader |
| Grijalva | McCarthy | Schweikert |
| Grothman | McClintock | Scott (VA) |