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[H.R. 3231, Federal Intern Protection Act of 2015](#)

FLOOR SITUATION

On Monday, January 11, 2016, the House will consider [H.R. 3231](#), the Federal Intern Protection Act of 2015, under suspension of the rules. The bill was introduced on July 28, 2015, by Rep. Elijah Cummings (D-MD) and was referred to the Committee on Oversight and Government Reform, which ordered the bill reported, as amended, by unanimous consent, on October 9, 2015.

SUMMARY

H.R. 3231 expands existing workplace harassment and discrimination protections to unpaid federal government interns (Paid interns are already treated as employees). This includes protections against discrimination based on race, color, gender, religion, national origin, age, or handicapping condition.¹

BACKGROUND

Under current law, unpaid federal government interns are not explicitly granted the same harassment and discrimination workplace protections afforded to federal employees. According to the Committee, several legal cases have been dismissed because courts have concluded that interns are not “employees” covered by existing law.² In 1997, in *O’Connor v. Davis*, an unpaid intern reported unwanted sexual advances by an employee, but the court indicated that because the plaintiff was not an employee, she was not protected by existing law. H.R. 3231 is intended to protect interns who serve the federal government without financial compensation from workplace harassment and discrimination.

According to the bill sponsor, “It is unacceptable that employees and interns working right next to each other have different levels of protection against abuse. There should be no legal grey area when we are talking about preventing sexual harassment and discrimination in the workplace. This bill

¹ The bill expands protections for race, color, gender, religion, national origin provided by section 717 of the Civil Rights Act of 1964; age as prohibited by Sections 12 and 15 of the Age Discrimination in Employment Act of 1967; and the handicapping condition as provided by section 501 of the Rehabilitation Act of 1973.

² See [House Report 114-383](#) at 2.

would extend these workplace protections to unpaid interns whose status, under current law, lack the protections provided by civil rights laws.”³

COST

The Congressional Budget Office (CBO) [estimates](#) that the net effect on direct spending by enacting H.R. 3231 would be negligible. H.R. 3231 would not affect revenues.

STAFF CONTACT

For questions or further information please contact [John Huston](#) with the House Republican Policy Committee by email or at 6-5539.

³ See Oversight and Government Reform Committee Press Release, [“Top Democrats Introduce Bills to Protect Interns Against Sexual Harassment and Discrimination.”](#) July 28, 2015.