

HR 169

Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002

Congress: 107 (2001–2003, Ended)

Chamber: House

Policy Area: Government Operations and Politics

Introduced: Jan 3, 2001

Current Status: Became Public Law No: 107-174.

Latest Action: Became Public Law No: 107-174. (May 15, 2002)

Law: 107-174 (Enacted May 15, 2002)

Official Text: <https://www.congress.gov/bill/107th-congress/house-bill/169>

Sponsor

Name: Rep. Sensenbrenner, F. James, Jr. [R-WI-9]

Party: Republican • **State:** WI • **Chamber:** House

Cosponsors (26 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Jackson-Lee, Sheila [D-TX-18]	D · TX		Jan 31, 2001
Rep. Ehlers, Vernon J. [R-MI-3]	R · MI		Mar 1, 2001
Rep. Gutknecht, Gil [R-MN-1]	R · MN		Mar 1, 2001
Rep. Morella, Constance A. [R-MD-8]	R · MD		Mar 1, 2001
Rep. Smith, Lamar [R-TX-21]	R · TX		Mar 1, 2001
Rep. Wynn, Albert Russell [D-MD-4]	D · MD		Mar 1, 2001
Del. Norton, Eleanor Holmes [D-DC-At Large]	D · DC		Mar 15, 2001
Rep. Brown, Corrine [D-FL-3]	D · FL		Mar 15, 2001
Rep. Carson, Julia [D-IN-10]	D · IN		Mar 15, 2001
Rep. Petri, Thomas E. [R-WI-6]	R · WI		Mar 15, 2001
Rep. Towns, Edolphus [D-NY-10]	D · NY		Mar 15, 2001
Rep. Armey, Richard K. [R-TX-26]	R · TX		Apr 25, 2001
Rep. Coyne, William J. [D-PA-14]	D · PA		Apr 25, 2001
Rep. Cummings, Elijah E. [D-MD-7]	D · MD		Apr 25, 2001
Rep. Green, Mark [R-WI-8]	R · WI		Apr 25, 2001
Rep. Kucinich, Dennis J. [D-OH-10]	D · OH		Apr 25, 2001
Rep. McGovern, James P. [D-MA-3]	D · MA		Apr 25, 2001
Rep. McKinney, Cynthia A. [D-GA-4]	D · GA		Apr 25, 2001
Rep. Sanchez, Loretta [D-CA-46]	D · CA		Apr 25, 2001
Rep. Sandlin, Max [D-TX-1]	D · TX		Apr 25, 2001
Rep. Weldon, Dave [R-FL-15]	R · FL		Apr 25, 2001
Rep. Waters, Maxine [D-CA-35]	D · CA		May 3, 2001
Rep. Berman, Howard L. [D-CA-26]	D · CA		May 15, 2001
Rep. Davis, Danny K. [D-IL-7]	D · IL		May 15, 2001
Rep. Skeen, Joe [R-NM-2]	R · NM		Jun 12, 2001
Rep. Mink, Patsy T. [D-HI-2]	D · HI		Jul 11, 2001

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred to	Feb 7, 2001
Homeland Security and Governmental Affairs Committee	Senate	Reported By	Apr 15, 2002
Judiciary Committee	House	Reported By	Jun 14, 2001
Oversight and Government Reform Committee	House	Referred to	Feb 13, 2001
Transportation and Infrastructure Committee	House	Referred to	Jan 4, 2001

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

Bill	Relationship	Last Action
107 S 201	Related bill	Mar 20, 2001: Committee on Governmental Affairs referred to Subcommittee on International Security, Proliferation and Federal Services.

Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 - **Title I: General Provisions** - Expresses the sense of Congress that Federal agencies: (1) should not retaliate for court judgments or settlements relating to discrimination and whistleblower laws by targeting the claimant or other employees with reductions in compensation, benefits, or workforce; (2) should not use a reduction in force or furloughs as means of funding a reimbursement under this Act; (3) should ensure that managers have adequate training in the management of a diverse workforce and in dispute resolution; (4) are expected to reimburse the General Fund of the Treasury within a reasonable time under this Act; and (5) may need to extend reimbursement over several years in order to avoid reductions in force, furloughs, reductions in compensation or benefits, or an adverse effect on the mission of the agency. Declares that: (1) the agency's mission and the security of employees who are blameless in a whistleblower incident should not be compromised; and (2) accountability in the enforcement of employee rights is not furthered by terminating the employment or benefits of other employees or if Federal agencies react by taking unfounded disciplinary actions against, or by violating the procedural rights of, managers who have been accused of discrimination.

Title II: Federal Employee Discrimination and Retaliation - Requires the amount of any claim, final judgment, award, or compromise settlement paid to any current or former Federal employee or applicant in connection with specified anti-discrimination and whistleblower protection complaints to be reimbursed to the Treasury out of the operating expenses of the agency to which the discriminatory conduct is attributable.

(Sec. 202) Sets forth requirements for: (1) the written notification of Federal employees and applicants of their rights and remedies under anti-discrimination and whistleblower protection laws, including by posting that information on the Internet; and (2) employee training regarding such rights and remedies.

(Sec. 203) Requires each Federal agency to submit an annual report to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, each congressional committee with jurisdiction relating to the agency, the Equal Employment Opportunity Commission (EEOC), and the Attorney General which includes: (1) the number and status of cases arising under such laws and the amount of money involved; (2) the number of employees disciplined; (3) data relating to complaints filed; (4) agency policy relating to disciplinary actions against employees who discriminated or committed another prohibited personnel practice; (5) an analysis of all such information in conjunction with certain data provided to the EEOC; and (6) any adjustment to comply with the reimbursement requirement under this Act.

(Sec. 204) Requires the President to: (1) issue rules to carry out this title; (2) require a study to be conducted in the executive branch to determine the best practices relating to disciplinary actions against such employees; and (3) issue advisory guidelines incorporating such practices. Requires each Federal agency to notify the Speaker of the House, the President pro tempore, the EEOC, and the Attorney General regarding implementation of such guidelines.

(Sec. 206) Directs the General Accounting Office (GAO) to study and report to specified congressional officials and Federal entities on: (1) the effects of eliminating the requirement that Federal employees aggrieved by violations of anti-discrimination and whistleblower protection laws exhaust administrative remedies before filing complaints with the EEOC; (2) the methods that could be used for, and the extent of any administrative burden that would be imposed on, the Department of Justice to ascertain the personnel and administrative costs incurred in defending discrimination and whistleblower cases; (3) the effects of the reimbursement requirement and of the provisions relating to the payment of claims under the Contract Disputes Act of 1978 on Federal agency operations; and (4) the extent of any administrative

and personnel costs incurred by the Department of the Treasury to account for payments made as a result of this Act and the Contract Disputes Act of 1978.

Title III: Equal Employment Opportunity Complaint Data Disclosure - Directs: (1) each Federal agency to post on its public Web site specified summary statistical data relating to equal employment opportunity complaints filed with such agency by employees or applicants; (2) the EEOC to post on its public Web site summary statistical data relating to hearings requested on such complaints and appeals filed with it from final agency actions; and (3) the EEOC to issue rules governing the posting of such data.

Actions Timeline

- **May 15, 2002:** Signed by President.
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- **May 15, 2002:** Became Public Law No: 107-174.
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- **May 7, 2002:** Presented to President.
- **May 7, 2002:** Presented to President.
- **Apr 30, 2002:** Mr. Sensenbrenner moved that the House suspend the rules and agree to the Senate amendments.
- **Apr 30, 2002:** DEBATE - The House proceeded with forty minutes of debate on the motion to suspend the rules and agree to the Senate amendments to H.R. 169.
- **Apr 30, 2002:** At the conclusion of debate, the Yeas and Nays were demanded and ordered. Pursuant to the provisions of clause 5, rule I, the chair announced that further proceedings on the motion would be postponed.
- **Apr 30, 2002:** Considered as unfinished business. (consideration: CR H1745)
- **Apr 30, 2002:** Resolving differences -- House actions: On motion that the House suspend the rules and agree to the Senate amendments Agreed to by the Yeas and Nays: (2/3 required): 412 - 0 (Roll no. 117). (consideration: CR H1691-1696, H1745-1746; text as House agreed to Senate amendments: CR H1691-1693)
- **Apr 30, 2002:** On motion that the House suspend the rules and agree to the Senate amendments Agreed to by the Yeas and Nays: (2/3 required): 412 - 0 (Roll no. 117). (consideration: CR H1691-1696, H1745-1746; text as House agreed to Senate amendments: CR H1691-1693)
- **Apr 30, 2002:** Motion to reconsider laid on the table Agreed to without objection.
- **Apr 24, 2002:** Message on Senate action sent to the House.
- **Apr 23, 2002:** Measure laid before Senate by unanimous consent. (consideration: CR S3226-3231)
- **Apr 23, 2002:** Passed/agreed to in Senate: Passed Senate with amendments by Unanimous Consent. (text: CR S3229-3231)
- **Apr 23, 2002:** Passed Senate with amendments by Unanimous Consent. (text: CR S3229-3231)
- **Apr 15, 2002:** Committee on Governmental Affairs. Reported by Senator Lieberman with amendments. With written report No. 107-143. (text of measure as reported in Senate: CR 4/23/2002 S3226-3228)
- **Apr 15, 2002:** Committee on Governmental Affairs. Reported by Senator Lieberman with amendments. With written report No. 107-143. (text of measure as reported in Senate: CR 4/23/2002 S3226-3228)
- **Apr 15, 2002:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 346.
- **Mar 21, 2002:** Committee on Governmental Affairs. Ordered to be reported with amendments favorably.
- **Oct 3, 2001:** Received in the Senate and Read twice and referred to the Committee on Governmental Affairs.
- **Oct 2, 2001:** Mr. Sensenbrenner moved to suspend the rules and pass the bill, as amended.
- **Oct 2, 2001:** Considered under suspension of the rules. (consideration: CR H6071-6076)
- **Oct 2, 2001:** DEBATE - The House proceeded with forty minutes of debate on H.R. 169.
- **Oct 2, 2001:** At the conclusion of debate, the Yeas and Nays were demanded and ordered. Pursuant to the provisions of clause 8, rule XX, the Chair announced that further proceedings on the motion would be postponed.
- **Oct 2, 2001:** Considered as unfinished business. (consideration: CR H6100)
- **Oct 2, 2001:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 420 - 0 (Roll no. 360). (text: CR H6072-6073)
- **Oct 2, 2001:** On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 420 - 0 (Roll no. 360). (text: CR H6072-6073)
- **Oct 2, 2001:** Motion to reconsider laid on the table Agreed to without objection.
- **Jun 14, 2001:** Reported (Amended) by the Committee on Judiciary. H. Rept. 107-101, Part I.
- **Jun 14, 2001:** Reported (Amended) by the Committee on Judiciary. H. Rept. 107-101, Part I.
- **May 23, 2001:** Committee Consideration and Mark-up Session Held.
- **May 23, 2001:** Ordered to be Reported (Amended) by Voice Vote.
- **May 9, 2001:** Committee Hearings Held.
- **Feb 13, 2001:** Referred to the Subcommittee on the Civil Service and Agency Organization.
- **Feb 7, 2001:** Referred to the Subcommittee on Environment and Hazardous Materials, for a period to be subsequently determined by the Chairman.
- **Jan 4, 2001:** Referred to the Subcommittee on Water Resources and Environment.

Jan 3, 2001: Introduced in House

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• **Jan 3, 2001:** Sponsor introductory remarks on measure. (CR E13)

• **Jan 3, 2001:** Referred to the Committee on Government Reform, and in addition to the Committees on Energy and Commerce, Transportation and Infrastructure, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

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