

## HR 1230

### Protecting Older Workers Against Discrimination Act

**Congress:** 116 (2019–2021, Ended)

**Chamber:** House

**Policy Area:** Labor and Employment

**Introduced:** Feb 14, 2019

**Current Status:** Received in the Senate and Read twice and referred to the Committee on Health, Education, Labor, and

**Latest Action:** Received in the Senate and Read twice and referred to the Committee on Health, Education, Labor, and Pensions. (Jan 16, 2020)

**Official Text:** <https://www.congress.gov/bill/116th-congress/house-bill/1230>

### Sponsor

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**Name:** Rep. Scott, Robert C. "Bobby" [D-VA-3]

**Party:** Democratic • **State:** VA • **Chamber:** House

## Cosponsors (91 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Adams, Alma S. [D-NC-12]	D · NC		Feb 14, 2019
Rep. Bonamici, Suzanne [D-OR-1]	D · OR		Feb 14, 2019
Rep. Grothman, Glenn [R-WI-6]	R · WI		Feb 14, 2019
Rep. Hurd, Will [R-TX-23]	R · TX		Feb 14, 2019
Rep. Katko, John [R-NY-24]	R · NY		Feb 14, 2019
Rep. Sensenbrenner, F. James, Jr. [R-WI-5]	R · WI		Feb 14, 2019
Rep. Takano, Mark [D-CA-41]	D · CA		Feb 14, 2019
Rep. Phillips, Dean [D-MN-3]	D · MN		Apr 12, 2019
Rep. Levin, Andy [D-MI-9]	D · MI		May 16, 2019
Rep. Stauber, Pete [R-MN-8]	R · MN		May 16, 2019
Del. Norton, Eleanor Holmes [D-DC-At Large]	D · DC		May 20, 2019
Rep. Bass, Karen [D-CA-37]	D · CA		May 20, 2019
Rep. Cicilline, David N. [D-RI-1]	D · RI		May 20, 2019
Rep. DeSaulnier, Mark [D-CA-11]	D · CA		May 20, 2019
Rep. Fitzpatrick, Brian K. [R-PA-1]	R · PA		May 20, 2019
Rep. Raskin, Jamie [D-MD-8]	D · MD		May 20, 2019
Rep. Stefanik, Elise M. [R-NY-21]	R · NY		May 20, 2019
Rep. Van Drew, Jefferson [D-NJ-2]	D · NJ		May 20, 2019
Rep. Stevens, Haley M. [D-MI-11]	D · MI		May 21, 2019
Rep. Davis, Rodney [R-IL-13]	R · IL		May 22, 2019
Rep. Meng, Grace [D-NY-6]	D · NY		May 24, 2019
Resident Commissioner González-Colón, Jenniffer [R-PR-At Large]	R · PR		May 28, 2019
Rep. Wild, Susan [D-PA-7]	D · PA		Jun 6, 2019
Del. Sablan, Gregorio Kilili Camacho [D-MP-At Large]	D · MP		Jun 10, 2019
Rep. Harder, Josh [D-CA-10]	D · CA		Jun 10, 2019
Rep. Omar, Ilhan [D-MN-5]	D · MN		Jun 10, 2019
Rep. Underwood, Lauren [D-IL-14]	D · IL		Jun 10, 2019
Rep. Lee, Susie [D-NV-3]	D · NV		Jun 12, 2019
Rep. Jayapal, Pramila [D-WA-7]	D · WA		Jun 13, 2019
Rep. Lofgren, Zoe [D-CA-19]	D · CA		Jun 26, 2019
Rep. Khanna, Ro [D-CA-17]	D · CA		Jul 2, 2019
Rep. Rouda, Harley [D-CA-48]	D · CA		Jul 9, 2019
Rep. Castor, Kathy [D-FL-14]	D · FL		Jul 12, 2019
Rep. Haaland, Debra A. [D-NM-1]	D · NM		Jul 25, 2019
Rep. Smith, Christopher H. [R-NJ-4]	R · NJ		Jul 25, 2019
Rep. Suozzi, Thomas R. [D-NY-3]	D · NY		Aug 6, 2019
Rep. Clarke, Yvette D. [D-NY-9]	D · NY		Aug 16, 2019
Rep. Cuellar, Henry [D-TX-28]	D · TX		Aug 16, 2019
Rep. Davis, Danny K. [D-IL-7]	D · IL		Aug 16, 2019
Rep. Gonzalez, Vicente [D-TX-15]	D · TX		Aug 16, 2019
Rep. Higgins, Brian [D-NY-26]	D · NY		Aug 16, 2019

Cosponsor	Party / State	Role	Date Joined
Rep. Lee, Barbara [D-CA-13]	D · CA		Aug 16, 2019
Rep. Payne, Donald M., Jr. [D-NJ-10]	D · NJ		Aug 16, 2019
Rep. Trahan, Lori [D-MA-3]	D · MA		Aug 16, 2019
Rep. Kaptur, Marcy [D-OH-9]	D · OH		Aug 20, 2019
Rep. Spanberger, Abigail Davis [D-VA-7]	D · VA		Aug 20, 2019
Rep. Eshoo, Anna G. [D-CA-18]	D · CA		Sep 6, 2019
Rep. Kildee, Daniel T. [D-MI-5]	D · MI		Sep 6, 2019
Rep. Malinowski, Tom [D-NJ-7]	D · NJ		Sep 6, 2019
Rep. McCollum, Betty [D-MN-4]	D · MN		Sep 6, 2019
Rep. Neal, Richard E. [D-MA-1]	D · MA		Sep 6, 2019
Rep. Sires, Albio [D-NJ-8]	D · NJ		Sep 6, 2019
Rep. Axne, Cynthia [D-IA-3]	D · IA		Sep 12, 2019
Rep. Ocasio-Cortez, Alexandria [D-NY-14]	D · NY		Sep 17, 2019
Rep. Lipinski, Daniel [D-IL-3]	D · IL		Oct 18, 2019
Rep. Nadler, Jerrold [D-NY-10]	D · NY		Oct 23, 2019
Rep. Blumenauer, Earl [D-OR-3]	D · OR		Nov 1, 2019
Rep. Grijalva, Raúl M. [D-AZ-3]	D · AZ		Nov 1, 2019
Rep. Dingell, Debbie [D-MI-12]	D · MI		Nov 8, 2019
Rep. Castro, Joaquin [D-TX-20]	D · TX		Jan 7, 2020
Rep. Cisneros, Gilbert Ray, Jr. [D-CA-39]	D · CA		Jan 7, 2020
Rep. Courtney, Joe [D-CT-2]	D · CT		Jan 7, 2020
Rep. Davis, Susan A. [D-CA-53]	D · CA		Jan 7, 2020
Rep. Finkenauer, Abby [D-IA-1]	D · IA		Jan 7, 2020
Rep. Garcia, Sylvia R. [D-TX-29]	D · TX		Jan 7, 2020
Rep. Hayes, Jahana [D-CT-5]	D · CT		Jan 7, 2020
Rep. Jackson Lee, Sheila [D-TX-18]	D · TX		Jan 7, 2020
Rep. Larson, John B. [D-CT-1]	D · CT		Jan 7, 2020
Rep. Lowenthal, Alan S. [D-CA-47]	D · CA		Jan 7, 2020
Rep. Lynch, Stephen F. [D-MA-8]	D · MA		Jan 7, 2020
Rep. McBath, Lucy [D-GA-6]	D · GA		Jan 7, 2020
Rep. Norcross, Donald [D-NJ-1]	D · NJ		Jan 7, 2020
Rep. Pingree, Chellie [D-ME-1]	D · ME		Jan 7, 2020
Rep. Pressley, Ayanna [D-MA-7]	D · MA		Jan 7, 2020
Rep. Richmond, Cedric L. [D-LA-2]	D · LA		Jan 7, 2020
Rep. Rose, Max [D-NY-11]	D · NY		Jan 7, 2020
Rep. Schrier, Kim [D-WA-8]	D · WA		Jan 7, 2020
Rep. Shalala, Donna E. [D-FL-27]	D · FL		Jan 7, 2020
Rep. Tlaib, Rashida [D-MI-13]	D · MI		Jan 7, 2020
Rep. Carbajal, Salud O. [D-CA-24]	D · CA		Jan 8, 2020
Rep. Cleaver, Emanuel [D-MO-5]	D · MO		Jan 8, 2020
Rep. Cohen, Steve [D-TN-9]	D · TN		Jan 8, 2020
Rep. Foster, Bill [D-IL-11]	D · IL		Jan 8, 2020

Cosponsor	Party / State	Role	Date Joined
Rep. Johnson, Eddie Bernice [D-TX-30]	D · TX		Jan 8, 2020
Rep. Johnson, Henry C. "Hank," Jr. [D-GA-4]	D · GA		Jan 8, 2020
Rep. Morelle, Joseph D. [D-NY-25]	D · NY		Jan 8, 2020
Rep. Pocan, Mark [D-WI-2]	D · WI		Jan 8, 2020
Rep. Trone, David J. [D-MD-6]	D · MD		Jan 8, 2020
Rep. Waters, Maxine [D-CA-43]	D · CA		Jan 8, 2020
Rep. Casten, Sean [D-IL-6]	D · IL		Jan 9, 2020
Rep. Wilson, Frederica S. [D-FL-24]	D · FL		Jan 9, 2020

## Committee Activity

Committee	Chamber	Activity	Date
Education and Workforce Committee	House	Reported By	Jan 9, 2020
Health, Education, Labor, and Pensions Committee	Senate	Referred To	Jan 16, 2020

## Subjects & Policy Tags

### Policy Area:

Labor and Employment

## Related Bills

Bill	Relationship	Last Action
116 HRES 790	Related bill	Jan 14, 2020: Motion to reconsider laid on the table Agreed to without objection.
116 S 485	Identical bill	Feb 14, 2019: Read twice and referred to the Committee on Health, Education, Labor, and Pensions.

## **Protecting Older Workers Against Discrimination Act**

(Sec. 2) This bill amends the Age Discrimination in Employment Act of 1967 to establish as an unlawful employment practice that age or participation in investigations, proceedings, or litigation under such Act were a motivating factor for any unlawful employment practice, even though other factors also motivated the practice (thereby allowing what are commonly known as *mixed motive* claims).

The bill (1) permits a complaining party to rely on any type or form of admissible evidence, which need only be sufficient for a reasonable trier of fact to find that an unlawful practice occurred; and (2) declares that a complaining party shall not be required to demonstrate that age or retaliation was the sole cause of the employment practice (thereby rejecting the Supreme Court's decision in *Gross v. FBL Financial Services, Inc.*, which requires a complainant to prove that age was the *but-for* cause for the employer's decision).

The bill authorizes a court to grant declaratory and injunctive relief, but prohibits a court from awarding damages or issuing an order requiring any admission, reinstatement, hiring, promotion, or payment.

The bill applies the same standard of proof to other employment discrimination and retaliation claims, including claims under the Civil Rights Act of 1964, the Americans With Disabilities Act of 1990, and the Rehabilitation Act of 1973.

(Sec. 5) The Government Accountability Office shall report on how the Equal Employment Opportunity Commission (EEOC) investigates mixed motive age discrimination claims arising under all such Acts amended by this bill.

(Sec. 6) The Department of Labor and the EEOC shall jointly conduct a study to determine the number of claims pending or filed, in addition to cases closed, by women who may have been adversely impacted by age discrimination as a motivating factor in workplace discrimination or employment termination.

(Sec. 7) The EEOC, for a five-year period, shall submit to Congress a report at one-year intervals on the number of age discrimination in employment claims brought under this bill.

(Sec. 8) The EEOC shall report on the status of federal mixed motive age discrimination in employment claims made against federal agencies.

## Actions Timeline

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- **Jan 16, 2020:** Received in the Senate and Read twice and referred to the Committee on Health, Education, Labor, and Pensions.
- **Jan 15, 2020:** Considered under the provisions of rule H. Res. 790. (consideration: CR H258-270; text: CR H264-265)
- **Jan 15, 2020:** Rule provides for consideration of H.R. 1230 and H.J. Res. 76 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order.
- **Jan 15, 2020:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 790 and Rule XVIII.
- **Jan 15, 2020:** The Speaker designated the Honorable Henry Cuellar to act as Chairman of the Committee.
- **Jan 15, 2020: GENERAL DEBATE** - The Committee of the Whole proceeded with one hour of general debate on H.R. 1230.
- **Jan 15, 2020: DEBATE** - Pursuant to the provisions of H.Res. 790, the Committee of the Whole proceeded with 10 minutes of debate on the DeSaulnier amendment No. 1.
- **Jan 15, 2020: DEBATE** - Pursuant to the provisions of H.Res. 790, the Committee of the Whole proceeded with 10 minutes of debate on the Rodney Davis (IL) amendment No. 2.
- **Jan 15, 2020: DEBATE** - Pursuant to the provisions of H.Res. 790, the Committee of the Whole proceeded with 10 minutes of debate on the Allen amendment No. 3.
- **Jan 15, 2020: POSTPONED PROCEEDINGS** - At the conclusion of debate on the Allen amendment, the Chair put the question on adoption of the amendment, and by voice vote announced that the noes had prevailed. Mr. Allen demanded a recorded vote and the Chair postponed further proceedings until a time to be announced.
- **Jan 15, 2020: DEBATE** - Pursuant to the provisions of H.Res. 790, the Committee of the Whole proceeded with 10 minutes of debate on the Brown (MD) amendment No. 4.
- **Jan 15, 2020: DEBATE** - Pursuant to the provisions of H. Res. 790, the Committee of the Whole proceeded with 10 minutes of debate on the Tlaib amendment No. 5.
- **Jan 15, 2020:** Mr. Scott (VA) moved that the committee rise.
- **Jan 15, 2020:** On motion that the committee rise Agreed to by voice vote.
- **Jan 15, 2020:** Committee of the Whole House on the state of the Union rises leaving H.R. 1230 as unfinished business.
- **Jan 15, 2020:** Considered as unfinished business. (consideration: CR H270-274)
- **Jan 15, 2020:** The House resolved into Committee of the Whole House on the state of the Union for further consideration.
- **Jan 15, 2020:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 1230.
- **Jan 15, 2020:** The previous question was ordered pursuant to the rule.
- **Jan 15, 2020:** The House adopted the amendments en gross as agreed to by the Committee of the Whole House on the state of the Union.
- **Jan 15, 2020:** Mr. Smucker moved to recommit with instructions to the Committee on Education and Labor. (text: CR H271)
- **Jan 15, 2020: Floor summary: DEBATE** - The House proceeded with 10 minutes of debate on the Smucker motion to recommit with instructions. The instructions contained in the motion seek to require the bill to be reported back to the House with an amendment adding at the end of the bill a new section pertaining to Rule of Construction which states nothing in the Act shall be construed to alter the status of a truck driver as an independent contractor if the truck driver is currently considered to be an independent contractor under Federal law.
- **Jan 15, 2020:** The previous question on the motion to recommit with instructions was ordered without objection.
- **Jan 15, 2020:** On motion to recommit with instructions Failed by recorded vote: 196 - 220 (Roll no. 20).
- **Jan 15, 2020:** Passed/agreed to in House: On passage Passed by recorded vote: 261 - 155 (Roll no. 21).
- **Jan 15, 2020:** On passage Passed by recorded vote: 261 - 155 (Roll no. 21).
- **Jan 15, 2020:** Motion to reconsider laid on the table Agreed to without objection.
- **Jan 13, 2020:** Rules Committee Resolution H. Res. 790 Reported to House. Rule provides for consideration of H.R. 1230 and H.J. Res. 76 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order.
- **Jan 9, 2020:** Reported (Amended) by the Committee on Education and Labor. H. Rept. 116-372.
- **Jan 9, 2020:** Placed on the Union Calendar, Calendar No. 295.

**Jun 11, 2019:** Committee Consideration and Mark-up Session Held.

• **Jun 11, 2019:** Ordered to be Reported (Amended) by the Yeas and Nays: 27 - 18.

• **Feb 14, 2019:** Introduced in House

• **Feb 14, 2019:** Referred to the House Committee on Education and Labor.