

H.R. 135, Elijah E. Cummings Federal Employee Antidiscrimination Act of 2019

As ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on November 6, 2019

| By Fiscal Year, Millions of Dollars | 2020 | 2020-2024 | 2020-2029 |
|--|------|-------------------------------------|---------------------------|
| Direct Spending (Outlays) | 0 | * | * |
| Revenues | 0 | 0 | 0 |
| Increase or Decrease (-) in the Deficit | 0 | * | * |
| Spending Subject to Appropriation (Outlays) | 0 | 1 | not estimated |
| Statutory pay-as-you-go procedures apply? | Yes | Mandate Effects | |
| Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030? | No | Contains intergovernmental mandate? | Excluded from UMRA |
| | | Contains private-sector mandate? | Excluded from UMRA |
| * = between zero and \$500,000. | | | |

H.R. 135 would amend the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 to expand the current process used to investigate and resolve federal employees' claims of discrimination by other federal employees. The act also would increase the amount of information that must be reported and made available concerning such discrimination cases.

Using information from the Office of Personnel Management and the Equal Employment Opportunity Commission, CBO expects that most of the provisions in the act would build on the current policies and practices of the federal government. Currently, the federal government, through laws, regulations, and agency policies, prohibits discrimination in all phases of employment. CBO expects that agencies would incur costs to track and report discriminatory acts and to notify the public of any violations of antidiscrimination laws. Based on the costs of similar activities, CBO estimates that implementing H.R. 135 would cost \$1 million over the 2020-2024 period; such spending would be subject to the availability of appropriated funds.

Enacting H.R. 135 could affect direct spending by some agencies that are allowed to use fees, receipts from the sale of goods, and other collections to cover operating costs. CBO estimates that any net changes in direct spending by those agencies would be negligible because most of them can adjust amounts collected to reflect changes in operating costs.

CBO has not reviewed H.R. 135 for intergovernmental or private-sector mandates. Section 4 of the Unfunded Mandates Reform Act excludes from the application of that act any legislative provisions that would establish or enforce statutory rights prohibiting discrimination. CBO has determined that this legislation falls within that exclusion because it would enforce protections for federal employees against discrimination based on race, color, religion, sex, national origin, age, or handicapped condition.

The CBO staff contacts for this estimate are Matthew Pickford (for federal costs) and Andrew Laughlin (for mandates). The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.