

Calendar No. 1

104TH CONGRESS
1ST SESSION

S. 2

A BILL

To make certain laws applicable to the legislative
branch of the Federal Government.

JANUARY 4, 1995

Placed on the calendar

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104TH CONGRESS
1ST SESSION

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To make certain laws applicable to the legislative branch of the Federal Government.

IN THE SENATE OF THE UNITED STATES

JANUARY 4, 1995

Mr. GRASSLEY (for himself, Mr. LIEBERMAN, Mr. DOLE, Mr. NICKLES, Mr. ROTH, Mr. GLENN, Mr. SMITH, Mr. SPECTER, Mr. BROWN, Mr. INHOFE, Mr. THOMPSON, Ms. SNOWE, Mr. ABRAHAM, Mr. SANTORUM, Mr. THOMAS, Mr. COHEN, Mr. CRAIG, Mrs. BOXER, Mr. ROBB, Mr. KOHL, Mr. WARNER, Mr. BAUCUS, Mr. HELMS, Mr. GREGG, Mr. DEWINE, Mr. CAMPBELL, Mr. BENNETT, Mr. MACK, Mr. KERREY, Mrs. KASSEBAUM, and Mr. LOTT) introduced the following bill; which was read twice and ordered placed on the calendar

A BILL

To make certain laws applicable to the legislative branch of the Federal Government.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Congressional Accountability Act of 1995”.

- 1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—GENERAL

Sec. 101. Definitions.

Sec. 102. Application of laws.

TITLE II—EXTENSION OF RIGHTS AND PROTECTIONS

PART A—EMPLOYMENT DISCRIMINATION, FAMILY AND MEDICAL LEAVE,
 FAIR LABOR STANDARDS, EMPLOYEE POLYGRAPH PROTECTION, WORKER
 ADJUSTMENT AND RETRAINING, EMPLOYMENT AND REEMPLOYMENT OF
 VETERANS, AND INTIMIDATION

Sec. 201. Rights and protections under title VII of the Civil Rights Act of
 1964, the Age Discrimination in Employment Act of 1967, the
 Rehabilitation Act of 1973, and title I of the Americans with
 Disabilities Act of 1990.

Sec. 202. Rights and protections under the Family and Medical Leave Act of
 1993.

Sec. 203. Rights and protections under the Fair Labor Standards Act of 1938.

Sec. 204. Rights and protections under the Employee Polygraph Protection Act
 of 1988.

Sec. 205. Rights and protections under the Worker Adjustment and Retraining
 Notification Act.

Sec. 206. Rights and protections relating to veterans' employment and reem-
 ployment.

Sec. 207. Prohibition of intimidation or reprisal.

PART B—PUBLIC SERVICES AND ACCOMMODATIONS UNDER THE AMERICANS
 WITH DISABILITIES ACT OF 1990

Sec. 210. Rights and protections under the Americans with Disabilities Act of
 1990 relating to public services and accommodations; proce-
 dures for remedy of violations.

PART C—OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

Sec. 215. Rights and protections under the Occupational Safety and Health Act
 of 1970; procedures for remedy of violations.

PART D—LABOR-MANAGEMENT RELATIONS

Sec. 220. Application of chapter 71 of title 5, United States code, relating to
 Federal service labor-management relations; procedures for
 remedy of violations.

PART E—GENERAL

Sec. 225. Generally applicable remedies and limitations.

PART F—STUDY

Sec. 230. Study and recommendations regarding General Accounting Office, Government Printing Office, and Library of Congress.

TITLE III—OFFICE OF COMPLIANCE

Sec. 301. Establishment of Office of Compliance.
 Sec. 302. Officers, staff, and other personnel.
 Sec. 303. Procedural rules.
 Sec. 304. Substantive regulations.
 Sec. 305. Expenses.

TITLE IV—ADMINISTRATIVE AND JUDICIAL DISPUTE-RESOLUTION PROCEDURES

Sec. 401. Procedure for consideration of alleged violations.
 Sec. 402. Counseling.
 Sec. 403. Mediation.
 Sec. 404. Election of proceeding.
 Sec. 405. Complaint and hearing.
 Sec. 406. Appeal to the Board.
 Sec. 407. Judicial review of Board decisions and enforcement.
 Sec. 408. Civil action.
 Sec. 409. Judicial review of regulations.
 Sec. 410. Other judicial review prohibited.
 Sec. 411. Effect of failure to issue regulations.
 Sec. 412. Expedited review of certain appeals.
 Sec. 413. Privileges and immunities.
 Sec. 414. Settlement of complaints.
 Sec. 415. Payments.
 Sec. 416. Confidentiality.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Exercise of rulemaking powers.
 Sec. 502. Political affiliation and place of residence.
 Sec. 503. Nondiscrimination rules of the House and Senate.
 Sec. 504. Technical and conforming amendments.
 Sec. 505. Judicial branch coverage study.
 Sec. 506. Savings provisions.
 Sec. 507. Severability.

1 **TITLE I—GENERAL**

2 **SEC. 101. DEFINITIONS.**

3 Except as otherwise specifically provided in this Act,
 4 as used in this Act:

5 (1) **BOARD.**—The term “Board” means the
 6 Board of Directors of the Office of Compliance.

1 (2) CHAIR.—The term “Chair” means the
2 Chair of the Board of Directors of the Office of
3 Compliance.

4 (3) COVERED EMPLOYEE.—The term “covered
5 employee” means any employee of—

6 (A) the House of Representatives;

7 (B) the Senate;

8 (C) the Capitol Guide Service;

9 (D) the Capitol Police;

10 (E) the Congressional Budget Office;

11 (F) the Office of the Architect of the
12 Capitol;

13 (G) the Office of the Attending Physician;

14 (H) the Office of Compliance; or

15 (I) the Office of Technology Assessment.

16 (4) EMPLOYEE.—The term “employee” includes
17 an applicant for employment and a former employee.

18 (5) EMPLOYEE OF THE OFFICE OF THE ARCHI-
19 TECT OF THE CAPITOL.—The term “employee of the
20 Office of the Architect of the Capitol” includes any
21 employee of the Office of the Architect of the Cap-
22 itol, the Botanic Garden, or the Senate Restaurants.

23 (6) EMPLOYEE OF THE CAPITOL POLICE.—The
24 term “employee of the Capitol Police” includes any
25 member or officer of the Capitol Police.

1 (7) EMPLOYEE OF THE HOUSE OF REPRESENT-
2 ATIVES.—The term “employee of the House of Rep-
3 resentatives” includes an individual occupying a po-
4 sition the pay for which is disbursed by the Clerk of
5 the House of Representatives, or another official
6 designated by the House of Representatives, or any
7 employment position in an entity that is paid with
8 funds derived from the clerk-hire allowance of the
9 House of Representatives but not any such individ-
10 ual employed by any entity listed in subparagraphs
11 (C) through (I) of paragraph (3).

12 (8) EMPLOYEE OF THE SENATE.—The term
13 “employee of the Senate” includes any employee
14 whose pay is disbursed by the Secretary of the Sen-
15 ate, but not any such individual employed by any en-
16 tity listed in subparagraphs (C) through (I) of para-
17 graph (3).

18 (9) EMPLOYING OFFICE.—The term “employing
19 office” means—

20 (A) the personal office of a Member of the
21 House of Representatives or of a Senator;

22 (B) a committee of the House of Rep-
23 resentatives or the Senate or a joint committee;

24 (C) any other office headed by a person
25 with the final authority to appoint, hire, dis-

1 charge, and set the terms, conditions, or privi-
2 leges of the employment of an employee of the
3 House of Representatives or the Senate; or

4 (D) the Capitol Guide Board, the Capitol
5 Police Board, the Congressional Budget Office,
6 the Office of the Architect of the Capitol, the
7 Office of the Attending Physician, the Office of
8 Compliance, and the Office of Technology As-
9 sessment.

10 (10) EXECUTIVE DIRECTOR.—The term “Exec-
11 utive Director” means the Executive Director of the
12 Office of Compliance.

13 (11) GENERAL COUNSEL.—The term “General
14 Counsel” means the General Counsel of the Office of
15 Compliance.

16 (12) OFFICE.—The term “Office” means the
17 Office of Compliance.

18 **SEC. 102. APPLICATION OF LAWS.**

19 (a) LAWS MADE APPLICABLE.—The following laws
20 shall apply, as prescribed by this Act, to the legislative
21 branch of the Federal Government:

22 (1) The Fair Labor Standards Act of 1938 (29
23 U.S.C. 201 et seq.).

24 (2) Title VII of the Civil Rights Act of 1964
25 (42 U.S.C. 2000e et seq.).

1 (3) The Americans with Disabilities Act of
2 1990 (42 U.S.C. 12101 et seq.).

3 (4) The Age Discrimination in Employment Act
4 of 1967 (29 U.S.C. 621 et seq.).

5 (5) The Family and Medical Leave Act of 1993
6 (29 U.S.C. 2611 et seq.).

7 (6) The Occupational Safety and Health Act of
8 1970 (29 U.S.C. 651 et seq.).

9 (7) Chapter 71 (relating to Federal service
10 labor-management relations) of title 5, United
11 States Code.

12 (8) The Employee Polygraph Protection Act of
13 1988 (29 U.S.C. 2001 et seq.).

14 (9) The Worker Adjustment and Retraining
15 Notification Act (29 U.S.C. 2101 et seq.).

16 (10) The Rehabilitation Act of 1973 (29 U.S.C.
17 701 et seq.).

18 (11) Chapter 43 (relating to veterans' employ-
19 ment and reemployment) of title 38, United States
20 Code.

21 (b) LAWS WHICH MAY BE MADE APPLICABLE.—

22 (1) IN GENERAL.—The Board shall review pro-
23 visions of Federal law (including regulations) relat-
24 ing to (A) the terms and conditions of employment
25 (including hiring, promotion, demotion, termination,

1 salary, wages, overtime compensation, benefits, work
2 assignments or reassignments, grievance and dis-
3 ciplinary procedures, protection from discrimination
4 in personnel actions, occupational health and safety,
5 and family and medical and other leave) of employ-
6 ees, and (B) access to public services and accom-
7 modations,

8 (2) BOARD REPORT.—Beginning on December
9 31, 1996, and every 2 years thereafter, the Board
10 shall report on (A) whether or to what degree the
11 provisions described in paragraph (1) are applicable
12 or inapplicable to the legislative branch, and (B)
13 with respect to provisions inapplicable to the legisla-
14 tive branch, whether such provisions should be made
15 applicable to the legislative branch. The presiding of-
16 ficers of the House of Representatives and the Sen-
17 ate shall cause each such report to be printed in the
18 Congressional Record and each such report shall be
19 referred to the committees of the House of Rep-
20 resentatives and the Senate with jurisdiction.

21 (3) REPORTS OF CONGRESSIONAL COMMIT-
22 TEES.—Each report accompanying any bill or joint
23 resolution relating to terms and conditions of em-
24 ployment or access to public services or accommoda-

1 tions reported by a committee of the House of Rep-
2 resentatives or the Senate shall—

3 (A) describe the manner in which the pro-
4 visions of the bill or joint resolution apply to
5 the legislative branch; or

6 (B) in the case of a provision not applica-
7 ble to the legislative branch, include a state-
8 ment of the reasons the provision does not
9 apply.

10 On the objection of any Member, it shall not be in
11 order for the Senate or the House of Representatives
12 to consider any such bill or joint resolution if the re-
13 port of the committee on such bill or joint resolution
14 does not comply with the provisions of this para-
15 graph. This paragraph may be waived in either
16 House by majority vote of that House.

**TITLE II—EXTENSION OF
RIGHTS AND PROTECTIONS**

**PART A—EMPLOYMENT DISCRIMINATION, FAM-
ILY AND MEDICAL LEAVE, FAIR LABOR
STANDARDS, EMPLOYEE POLYGRAPH PRO-
TECTION, WORKER ADJUSTMENT AND RE-
TRAINING, EMPLOYMENT AND REEMPLOY-
MENT OF VETERANS, AND INTIMIDATION**

**SEC. 201. RIGHTS AND PROTECTIONS UNDER TITLE VII OF
THE CIVIL RIGHTS ACT OF 1964, THE AGE DIS-
CRIMINATION IN EMPLOYMENT ACT OF 1967,
THE REHABILITATION ACT OF 1973, AND
TITLE I OF THE AMERICANS WITH DISABIL-
ITIES ACT OF 1990.**

(a) DISCRIMINATORY PRACTICES PROHIBITED.—All
personnel actions affecting covered employees shall be
made free from any discrimination based on—

(1) race, color, religion, sex, or national origin,
within the meaning of section 703 of the Civil
Rights Act of 1964 (42 U.S.C. 2000e–2);

(2) age, within the meaning of section 15 of the
Age Discrimination in Employment Act of 1967 (29
U.S.C. 633a); or

(3) disability, within the meaning of section 501
of the Rehabilitation Act of 1973 (29 U.S.C. 791)

1 and sections 102 through 104 of the Americans with
2 Disabilities Act of 1990 (42 U.S.C. 12112–12114).

3 (b) REMEDY.—

4 (1) CIVIL RIGHTS.—The remedy for a violation
5 of subsection (a)(1) shall be—

6 (A) such remedy as would be appropriate
7 if awarded under section 706(g) of the Civil
8 Rights Act of 1964 (42 U.S.C. 2000e–5(g));
9 and

10 (B) such compensatory damages as would
11 be appropriate if awarded under section 1977
12 of the Revised Statutes (42 U.S.C. 1981), or as
13 would be appropriate if awarded under sections
14 1977A(a)(1), 1977A(b)(2), and irrespective of
15 the size of the employing office,
16 1977A(b)(3)(D) of the Revised Statutes (42
17 U.S.C. 1981a(a)(1), 1981a(b)(2), and
18 1981a(b)(3)(D)).

19 (2) AGE DISCRIMINATION.—The remedy for a
20 violation of subsection (a)(2) shall be—

21 (A) such remedy as would be appropriate
22 if awarded under section 15(c) of the Age Dis-
23 crimination in Employment Act of 1967 (29
24 U.S.C. 633a(c)); and

1 (B) such liquidated damages as would be
2 appropriate if awarded under section 7(b) of
3 such Act (29 U.S.C. 626(b)).

4 In addition, the waiver provisions of section 7(f) of
5 such Act (29 U.S.C. 626(f)) shall apply to covered
6 employees.

7 (3) DISABILITIES DISCRIMINATION.—The rem-
8 edy for a violation of subsection (a)(3) shall be—

9 (A) such remedy as would be appropriate
10 if awarded under section 505(a)(1) of the Reha-
11 bilitation Act of 1973 (29 U.S.C. 794a(a)(1))
12 or section 107(a) of the Americans with Dis-
13 abilities Act of 1990 (42 U.S.C. 12117(a)); and

14 (B) such compensatory damages as would
15 be appropriate if awarded under sections
16 1977A(a)(2), 1977A(a)(3), 1977A(b)(2), and,
17 irrespective of the size of the employing office,
18 1977A(b)(3)(D) of the Revised Statutes (42
19 U.S.C. 1981a(a)(2), 1981a(a)(3), 1981a(b)(2),
20 and 1981a(b)(3)(D)).

21 (c) APPLICATION TO GENERAL ACCOUNTING OFFICE,
22 GOVERNMENT PRINTING OFFICE, AND LIBRARY OF CON-
23 GRESS.—

1 (1) SECTION 717 OF THE CIVIL RIGHTS ACT OF
2 1964.—Section 717(a) of the Civil Rights Act of
3 1964 (42 U.S.C. 2000e–16) is amended by—

4 (A) striking “legislative and”;

5 (B) striking “branches” and inserting
6 “branch”; and

7 (C) inserting “Government Printing Office,
8 the General Accounting Office, and the” after
9 “and in the”.

10 (2) SECTION 15 OF THE AGE DISCRIMINATION
11 IN EMPLOYMENT ACT OF 1967.—Section 15(a) of the
12 Age Discrimination in Employment Act of 1967 (29
13 U.S.C. 633a(a)) is amended by—

14 (A) striking “legislative and”;

15 (B) striking “branches” and inserting
16 “branch”; and

17 (C) inserting “Government Printing Office,
18 the General Accounting Office, and the” after
19 “and in the”.

20 (3) SECTION 509 OF THE AMERICANS WITH DIS-
21 ABILITIES ACT OF 1990.—Section 509 of the Ameri-
22 cans with Disabilities Act of 1990 (42 U.S.C.
23 12209) is amended—

24 (A) by striking subsections (a) and (b) of
25 section 509;

1 (B) in subsection (c), by striking “(c) IN-
2 STRUMENTALITIES OF CONGRESS.—” and in-
3 serting “The General Accounting Office, the
4 Government Printing Office, and the Library of
5 Congress shall be covered as follows:”;

6 (C) by striking the second sentence of
7 paragraph (2);

8 (D) in paragraph (4), by striking “the in-
9 strumentalities of the Congress include” and in-
10 serting “the term ‘instrumentality of the Con-
11 gress’ means”, by striking “the Architect of the
12 Capitol, the Congressional Budget Office”, by
13 inserting “and” before “the Library”, and by
14 striking “the Office of Technology Assessment,
15 and the United States Botanic Garden”;

16 (E) by redesignating paragraph (5) as
17 paragraph (7) and by inserting after paragraph
18 (4) the following new paragraph:

19 “(5) ENFORCEMENT OF EMPLOYMENT
20 RIGHTS.—The remedies and procedures set forth in
21 section 717 of the Civil Rights Act of 1964 (42
22 U.S.C. 2000e–16) shall be available to any employee
23 of an instrumentality of the Congress who alleges a
24 violation of the rights and protections under sections
25 102 through 104 of this Act that are made applica-

1 ble by this section, except that the authorities of the
 2 Equal Employment Opportunity Commission shall
 3 be exercised by the chief official of the instrumental-
 4 ity of the Congress.”; and

5 (F) by amending the title of the section to
 6 read “**INSTRUMENTALITIES OF THE CON-**
 7 **GRESS**”.

8 (d) **EFFECTIVE DATE.**—This section shall take effect
 9 1 year after the date of the enactment of this Act.

10 **SEC. 202. RIGHTS AND PROTECTIONS UNDER THE FAMILY**
 11 **AND MEDICAL LEAVE ACT OF 1993.**

12 (a) **FAMILY AND MEDICAL LEAVE RIGHTS AND PRO-**
 13 **TECTIONS PROVIDED.**—

14 (1) **IN GENERAL.**—The rights and protections
 15 established by sections 101 through 105 of the Fam-
 16 ily and Medical Leave Act of 1993 (29 U.S.C. 2611
 17 through 2615) shall apply to covered employees.

18 (2) **DEFINITION.**—For purposes of the applica-
 19 tion described in paragraph (1)—

20 (A) the term “employer” as used in the
 21 Family and Medical Leave Act of 1993 means
 22 any employing office, and

23 (B) the term “eligible employee” as used
 24 in the Family and Medical Leave Act of 1993
 25 means a covered employee who has been em-

1 employed in any employing office for 12 months
2 and for at least 1,250 hours of employment
3 during the previous 12 months.

4 (b) REMEDY.—The remedy for a violation of sub-
5 section (a) shall be such remedy, including liquidated dam-
6 ages, as would be appropriate if awarded under paragraph
7 (1) of section 107(a) of the Family and Medical Leave
8 Act of 1993 (29 U.S.C. 2617(a)(1)).

9 (c) APPLICATION TO GENERAL ACCOUNTING OFFICE
10 AND LIBRARY OF CONGRESS.—

11 (1) AMENDMENTS TO THE FAMILY AND MEDI-
12 CAL LEAVE ACT OF 1993.—

13 (A) COVERAGE.—Section 101(4)(A) of the
14 Family and Medical Leave Act of 1993 (29
15 U.S.C. 2611(4)(A)) is amended by striking
16 “and” at the end of clause (ii), by striking the
17 period at the end of clause (iii) and inserting “;
18 and”, and by adding after clause (iii) the fol-
19 lowing:

20 “(iv) includes the General Accounting
21 Office and the Library of Congress.”.

22 (B) ENFORCEMENT.—Section 107 of the
23 Family and Medical Leave Act of 1993 (29
24 U.S.C 2617) is amended by adding at the end
25 the following:

1 “(f) GENERAL ACCOUNTING OFFICE AND LIBRARY
 2 OF CONGRESS.—In the case of the General Accounting
 3 Office and the Library of Congress, the authority of the
 4 Secretary of Labor under this title shall be exercised re-
 5 spectively by the Comptroller General of the United States
 6 and the Librarian of Congress.”.

7 (2) CONFORMING AMENDMENT TO TITLE 5,
 8 UNITED STATES CODE.—Section 6381(1)(A) of title
 9 5, United States Code, is amended by striking
 10 “and” after “District of Columbia” and inserting
 11 before the semicolon the following: “, and any em-
 12 ployee of the General Accounting Office or the Li-
 13 brary of Congress”.

14 (d) REGULATIONS.—

15 (1) IN GENERAL.—The Board shall, pursuant
 16 to section 304, issue regulations to implement the
 17 rights and protections under this section.

18 (2) AGENCY REGULATIONS.—The regulations
 19 issued under paragraph (1) shall be the same as
 20 substantive regulations promulgated by the Sec-
 21 retary of Labor to implement the statutory provi-
 22 sions referred to in subsection (a) except insofar as
 23 the Board may determine, for good cause shown and
 24 stated together with the regulation, that a modifica-
 25 tion of such regulations would be more effective for

1 the implementation of the rights and protections
2 under this section.

3 (e) EFFECTIVE DATE.—

4 (1) IN GENERAL.—Subsections (a) and (b) shall
5 be effective 1 year after the date of the enactment
6 of this Act.

7 (2) GENERAL ACCOUNTING OFFICE AND LI-
8 BRARY OF CONGRESS.—Subsection (c) shall be effec-
9 tive 1 year after transmission to the Congress of the
10 study under section 230.

11 **SEC. 203. RIGHTS AND PROTECTIONS UNDER THE FAIR**
12 **LABOR STANDARDS ACT OF 1938.**

13 (a) FAIR LABOR STANDARDS.—

14 (1) IN GENERAL.—The rights and protections
15 established by subsections (a)(1) and (d) of section
16 6, section 7, and section 12(c) of the Fair Labor
17 Standards Act of 1938 (29 U.S.C. 206 (a)(1) and
18 (d), 207, 212(c)) shall apply to covered employees.

19 (2) INTERNS.—For the purposes of this section,
20 the term “covered employee” does not include an in-
21 tern as defined in regulations under subsection (c).

22 (3) COMPENSATORY TIME.—Except as provided
23 in regulations under subsection (c)(3), covered em-
24 ployees may not receive compensatory time in lieu of
25 overtime compensation.

1 (b) REMEDY.—The remedy for a violation of sub-
2 section (a) shall be such remedy, including liquidated dam-
3 ages, as would be appropriate if awarded under section
4 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C.
5 216(b)).

6 (c) REGULATIONS TO IMPLEMENT SECTION.—

7 (1) IN GENERAL.—The Board shall, pursuant
8 to section 304, issue regulations to implement this
9 section.

10 (2) AGENCY REGULATIONS.—Except as pro-
11 vided in paragraph (3), the regulations issued under
12 paragraph (1) shall be the same as substantive regu-
13 lations promulgated by the Secretary of Labor to
14 implement the statutory provisions referred to in
15 subsection (a) except insofar as the Board may de-
16 termine, for good cause shown and stated together
17 with the regulation, that a modification of such reg-
18 ulations would be more effective for the implementa-
19 tion of the rights and protections under this section.

20 (3) IRREGULAR WORK SCHEDULES.—The
21 Board shall issue regulations for covered employees
22 whose work schedules directly depend on the sched-
23 ule of the House of Representatives or the Senate
24 that shall be comparable to the provisions in the

1 Fair Labor Standards Act of 1938 that apply to em-
 2 ployees who have irregular work schedules.

3 (d) APPLICATION TO THE GOVERNMENT PRINTING
 4 OFFICE.—Section 3(e)(2)(A) of the Fair Labor Standards
 5 Act of 1938 (29 U.S.C. 203(e)(2)(A)) is amended—

6 (1) in clause (iii), by striking “legislative or”,
 7 (2) by striking “or” at the end of clause (iv),
 8 and

9 (3) by striking the semicolon at the end of
 10 clause (v) and inserting “, or” and by adding after
 11 clause (v) the following:

12 “(vi) the Government Printing Office;”.

13 (e) EFFECTIVE DATE.—Subsections (a) and (b) shall
 14 be effective 1 year after the date of the enactment of this
 15 Act.

16 **SEC. 204. RIGHTS AND PROTECTIONS UNDER THE EM-**
 17 **PLOYEE POLYGRAPH PROTECTION ACT OF**
 18 **1988.**

19 (a) POLYGRAPH PRACTICES PROHIBITED.—

20 (1) IN GENERAL.—No employing office, irre-
 21 spective of whether a covered employee works in that
 22 employing office, may require a covered employee to
 23 take a lie detector test where such a test would be
 24 prohibited if required by an employer under para-
 25 graph (1), (2), or (3) of section 3 of the Employee

1 Polygraph Protection Act of 1988 (29 U.S.C.
2 2002(1), (2), or (3)). In addition, the waiver provi-
3 sions of section 6(d) of such Act (29 U.S.C.
4 2005(d)) shall apply to covered employees.

5 (2) DEFINITIONS.—For purposes of this sec-
6 tion, the term “covered employee” shall include em-
7 ployees of the General Accounting Office and the Li-
8 brary of Congress and the term “employing office”
9 shall include the General Accounting Office and the
10 Library of Congress.

11 (3) CAPITOL POLICE.—Nothing in this section
12 shall preclude the Capitol Police from using lie de-
13 tector tests in accordance with regulations under
14 subsection (c).

15 (b) REMEDY.—The remedy for a violation of sub-
16 section (a) shall be such remedy as would be appropriate
17 if awarded under section 6(c)(1) of the Employee Poly-
18 graph Protection Act of 1988 (29 U.S.C. 2005(c)(1)).

19 (c) REGULATIONS TO IMPLEMENT SECTION.—

20 (1) IN GENERAL.—The Board shall, pursuant
21 to section 304, issue regulations to implement this
22 section.

23 (2) AGENCY REGULATIONS.—The regulations
24 issued under paragraph (1) shall be the same as
25 substantive regulations promulgated by the Sec-

1 retary of Labor to implement the statutory provi-
 2 sions referred to in subsections (a) and (b) except
 3 insofar as the Board may determine, for good cause
 4 shown and stated together with the regulation, that
 5 a modification of such regulations would be more ef-
 6 fective for the implementation of the rights and pro-
 7 tections under this section.

8 (d) EFFECTIVE DATE.—

9 (1) IN GENERAL.—Except as provided in para-
 10 graph (2), subsections (a) and (b) shall be effective
 11 1 year after the date of the enactment of this Act.

12 (2) GENERAL ACCOUNTING OFFICE AND LI-
 13 BRARY OF CONGRESS.—This section shall be effec-
 14 tive with respect to the General Accounting Office
 15 and the Library of Congress 1 year after trans-
 16 mission to the Congress of the study under section
 17 230.

18 **SEC. 205. RIGHTS AND PROTECTIONS UNDER THE WORKER**
 19 **ADJUSTMENT AND RETRAINING NOTIFICA-**
 20 **TION ACT.**

21 (a) WORKER ADJUSTMENT AND RETRAINING NOTI-
 22 FICATION RIGHTS.—

23 (1) IN GENERAL.—No employing office shall be
 24 closed or a mass layoff ordered within the meaning
 25 of section 3 of the Worker Adjustment and Retrain-

1 ing Notification Act (29 U.S.C. 2102) until the end
2 of a 60-day period after the employing office serves
3 written notice of such prospective closing or layoff to
4 representatives of covered employees or, if there are
5 no representatives, to covered employees.

6 (2) DEFINITIONS.—For purposes of this sec-
7 tion, the term “covered employee” shall include em-
8 ployees of the General Accounting Office and the Li-
9 brary of Congress and the term “employing office”
10 shall include the General Accounting Office and the
11 Library of Congress.

12 (b) REMEDY.—The remedy for a violation of sub-
13 section (a) shall be such remedy as would be appropriate
14 if awarded under paragraphs (1), (2), and (4) of section
15 5(a) of the Worker Adjustment and Retraining Notifica-
16 tion Act (29 U.S.C. 2104(a)(1), (2), and (4)).

17 (c) REGULATIONS TO IMPLEMENT SECTION.—

18 (1) IN GENERAL.—The Board shall, pursuant
19 to section 304, issue regulations to implement this
20 section.

21 (2) AGENCY REGULATIONS.—The regulations
22 issued under paragraph (1) shall be the same as
23 substantive regulations promulgated by the Sec-
24 retary of Labor to implement the statutory provi-
25 sions referred to in subsection (a) except insofar as

1 the Board may determine, for good cause shown and
 2 stated together with the regulation, that a modifica-
 3 tion of such regulations would be more effective for
 4 the implementation of the rights and protections
 5 under this section.

6 (d) EFFECTIVE DATE.—

7 (1) IN GENERAL.—Except as provided in para-
 8 graph (2), subsections (a) and (b) shall be effective
 9 1 year after the date of the enactment of this Act.

10 (2) GENERAL ACCOUNTING OFFICE AND LI-
 11 BRARY OF CONGRESS.—This section shall be effec-
 12 tive with respect to the General Accounting Office
 13 and the Library of Congress 1 year after trans-
 14 mission to the Congress of the study under section
 15 230.

16 **SEC. 206. RIGHTS AND PROTECTIONS RELATING TO VETER-**
 17 **ANS' EMPLOYMENT AND REEMPLOYMENT.**

18 (a) EMPLOYMENT AND REEMPLOYMENT RIGHTS OF
 19 MEMBERS OF THE UNIFORMED SERVICES.—

20 (1) IN GENERAL.—It shall be unlawful for an
 21 employing office to—

22 (A) discriminate, within the meaning of
 23 subsections (a) and (b) of section 4311 of title
 24 38, United States Code, against an eligible em-
 25 ployee;

1 (B) deny to an eligible employee reemploy-
2 ment rights within the meaning of sections
3 4312 and 4313 of title 38, United States Code;
4 or

5 (C) deny to an eligible employee benefits
6 within the meaning of sections 4316, 4317, and
7 4318 of title 38, United States Code.

8 (2) DEFINITIONS.—For purposes of this sec-
9 tion—

10 (A) the term “eligible employee” means a
11 covered employee performing service in the uni-
12 formed services, within the meaning of section
13 4303(13) of title 38, United States Code, whose
14 service has not been terminated upon occur-
15 rence of any of the events enumerated in sec-
16 tion 4304 of title 38, United States Code,

17 (B) the term “covered employee” includes
18 employees of the General Accounting Office and
19 the Library of Congress, and

20 (C) the term “employing office” includes
21 the General Accounting Office and the Library
22 of Congress.

23 (b) REMEDY.—The remedy for a violation of sub-
24 section (a) shall be such remedy as would be appropriate

1 if awarded under paragraphs (1), (2)(A), and (3) of sec-
2 tion 4323(c) of title 38, United States Code.

3 (c) REGULATIONS TO IMPLEMENT SECTION.—

4 (1) IN GENERAL.—The Board shall, pursuant
5 to section 304, issue regulations to implement this
6 section.

7 (2) AGENCY REGULATIONS.—The regulations
8 issued under paragraph (1) shall be the same as
9 substantive regulations promulgated by the Sec-
10 retary of Labor to implement the statutory provi-
11 sions referred to in subsection (a) except to the ex-
12 tent that the Board may determine, for good cause
13 shown and stated together with the regulation, that
14 a modification of such regulations would be more ef-
15 fective for the implementation of the rights and pro-
16 tections under this section.

17 (d) EFFECTIVE DATE.—

18 (1) IN GENERAL.—Except as provided in para-
19 graph (2), subsections (a) and (b) shall be effective
20 1 year after the date of the enactment of this Act.

21 (2) GENERAL ACCOUNTING OFFICE AND LI-
22 BRARY OF CONGRESS.—This section shall be effec-
23 tive with respect to the General Accounting Office
24 and the Library of Congress 1 year after trans-

1 mission to the Congress of the study under section
2 230.

3 **SEC. 207. PROHIBITION OF INTIMIDATION OR REPRISAL.**

4 (a) IN GENERAL.—It shall be unlawful for an em-
5 ploying office to intimidate, take reprisal against, or other-
6 wise discriminate against, any covered employee because
7 the covered employee has opposed any practice made un-
8 lawful by this Act, or because the covered employee has
9 initiated proceedings, made a charge, or testified, assisted,
10 or participated in any manner in a hearing or other pro-
11 ceeding under this Act.

12 (b) REMEDY.—The remedy available for a violation
13 of subsection (a) shall be such legal or equitable remedy
14 as would be appropriate.

15 **PART B—PUBLIC SERVICES AND ACCOMMODA-**
16 **TIONS UNDER THE AMERICANS WITH DIS-**
17 **ABILITIES ACT OF 1990**

18 **SEC. 210. RIGHTS AND PROTECTIONS UNDER THE AMERI-**
19 **CANS WITH DISABILITIES ACT OF 1990 RELAT-**
20 **ING TO PUBLIC SERVICES AND ACCOMMODA-**
21 **TIONS; PROCEDURES FOR REMEDY OF VIOLA-**
22 **TIONS.**

23 (a) ENTITIES SUBJECT TO THIS SECTION.—The re-
24 quirements of this section shall apply to—

1 (1) each office of the Senate, including each of-
2 fice of a Senator and each committee;

3 (2) each office of the House of Representatives,
4 including each office of a Member of the House of
5 Representatives and each committee;

6 (3) each joint committee of the Congress;

7 (4) the Capitol Guide Service;

8 (5) the Capitol Police;

9 (6) the Congressional Budget Office;

10 (7) the Office of the Architect of the Capitol
11 (including the Senate Restaurants and the Botanic
12 Garden);

13 (8) the Office of the Attending Physician;

14 (9) the Office of Compliance; and

15 (10) the Office of Technology Assessment.

16 (b) DISCRIMINATION IN PUBLIC SERVICES AND AC-
17 COMMODATIONS.—

18 (1) RIGHTS AND PROTECTIONS.—The rights
19 and protections against discrimination in the provi-
20 sion of public services and accommodations estab-
21 lished by sections 201 through 230, 302, 303, and
22 309 of the Americans with Disabilities Act of 1990
23 (42 U.S.C. 12131–12150, 12182, 12183, and
24 12189) shall apply to the entities listed in subsection
25 (a).

1 (2) DEFINITIONS.—For purposes of the appli-
2 cation of title II of the Americans with Disabilities
3 Act of 1990 (42 U.S.C. 12131 et seq.) under this
4 section, the term “public entity” means any entity
5 listed in subsection (a) that provides public services,
6 programs, or activities.

7 (c) REMEDY.—The remedy for a violation of sub-
8 section (b) shall be such remedy as would be appropriate
9 if awarded under section 203 or 308(a) of the Americans
10 with Disabilities Act of 1990 (42 U.S.C. 12133,
11 12188(a)), except that, with respect to any claim of em-
12 ployment discrimination asserted by any covered employee,
13 the exclusive remedy shall be under section 201 of this
14 title.

15 (d) AVAILABLE PROCEDURES.—

16 (1) CHARGE FILED WITH GENERAL COUN-
17 SEL.—A qualified individual with a disability, as de-
18 fined in section 201(2) of the Americans with Dis-
19 abilities Act of 1990 (42 U.S.C. 12131(2)), who al-
20 leges a violation of subsection (b) by an entity listed
21 in subsection (a), may file a charge against any en-
22 tity responsible for correcting the violation with the
23 General Counsel within 180 days of the occurrence
24 of the alleged violation. The General Counsel shall
25 investigate the charge.

1 (2) MEDIATION.—If, upon investigation under
2 paragraph (1), the General Counsel believes that a
3 violation of subsection (b) may have occurred and
4 that mediation may be helpful in resolving the dis-
5 pute, the General Counsel may request, but not par-
6 ticipate in, mediation under section 403 between the
7 charging individual and any entity responsible for
8 correcting the alleged violation.

9 (3) COMPLAINT, HEARING, BOARD REVIEW.—If
10 mediation under paragraph (2) has not succeeded in
11 resolving the dispute, and if the General Counsel be-
12 lieves that a violation of subsection (b) may have oc-
13 curred, the General Counsel may file with the Office
14 a complaint against any entity responsible for cor-
15 recting the violation. The complaint shall be submit-
16 ted to a hearing officer for decision pursuant to sec-
17 tion 405 and any person who has filed a charge
18 under paragraph (1) may intervene as of right, with
19 the full rights of a party. The decision of the hear-
20 ing officer shall be subject to review by the Board
21 pursuant to section 406.

22 (4) JUDICIAL REVIEW.—A charging individual
23 who has intervened under paragraph (3) or any re-
24 spondent to the complaint, if aggrieved by a final de-
25 cision of the Board under paragraph (3), may file a

1 petition for review in the United States Court of Ap-
2 peals for the Federal Circuit, pursuant to section
3 407.

4 (e) REGULATIONS TO IMPLEMENT SECTION.—

5 (1) IN GENERAL.—The Board shall, pursuant
6 to section 304, issue regulations to implement this
7 section.

8 (2) AGENCY REGULATIONS.—The regulations
9 issued under paragraph (1) shall be the same as
10 substantive regulations promulgated by the Attorney
11 General and the Secretary of Transportation to im-
12 plement the statutory provisions referred to in sub-
13 section (b) to the extent that the Board may deter-
14 mine, for good cause shown and stated together with
15 the regulation, that a modification of such regula-
16 tions would be more effective for the implementation
17 of the rights and protections under this section.

18 (f) PERIODIC INSPECTIONS; REPORT TO CONGRESS;
19 INITIAL STUDY.—

20 (1) PERIODIC INSPECTIONS.—On a regular
21 basis, and at least once each Congress, the General
22 Counsel shall inspect the facilities of the entities list-
23 ed in subsection (a) to ensure compliance with sub-
24 section (b).

1 (2) REPORT.—On the basis of each periodic in-
2 spection, the General Counsel shall, at least once
3 every Congress, prepare and submit a report—

4 (A) to the Speaker of the House of Rep-
5 resentatives, the President pro tempore of the
6 Senate, the Architect of the Capitol, and to the
7 entity responsible, as determined under regula-
8 tions issued by the Board under section 304 of
9 this Act, for correcting the violation of this sec-
10 tion uncovered by such inspection, and

11 (B) containing the results of the periodic
12 inspection, describing any steps necessary to
13 correct any violation of this section, assessing
14 any limitations in accessibility to and usability
15 by individuals with disabilities associated with
16 each violation, and the estimated cost and time
17 needed for abatement.

18 (3) INITIAL PERIOD FOR STUDY AND CORREC-
19 TIVE ACTION.—The period from the date of the en-
20 actment of this Act until December 31, 1996, shall
21 be available to the Office of the Architect of the
22 Capitol and other entities subject to this section to
23 identify any violations of subsection (b), to deter-
24 mine the costs of compliance, and to take any nec-
25 essary corrective action to abate any violations. The

1 Office shall assist the Office of the Architect of the
2 Capitol and other entities listed in subsection (a) by
3 arranging for inspections and other technical assist-
4 ance at their request. Prior to July 1, 1996, the
5 General Counsel shall conduct a thorough inspection
6 under paragraph (1) and shall submit the report
7 under paragraph (2) for the 104th Congress.

8 (4) DETAILED PERSONNEL.—The Attorney
9 General, the Secretary of Transportation, and the
10 Architectural and Transportation Barriers Compli-
11 ance Board may, on request of the Executive Direc-
12 tor, detail to the Office such personnel as may be
13 necessary to advise and assist the Office in carrying
14 out its duties under this section.

15 (g) APPLICATION OF AMERICANS WITH DISABILITIES
16 ACT OF 1990 TO THE PROVISION OF PUBLIC SERVICES
17 AND ACCOMMODATIONS BY THE GENERAL ACCOUNTING
18 OFFICE, THE GOVERNMENT PRINTING OFFICE, AND THE
19 LIBRARY OF CONGRESS.—Section 509 of the Americans
20 with Disabilities Act of 1990 (42 U.S.C. 12209)), as
21 amended by section 201(c) of this Act, is amended by add-
22 ing the following new paragraph:

23 “(6) ENFORCEMENT OF RIGHTS TO PUBLIC
24 SERVICES AND ACCOMMODATIONS.—The remedies
25 and procedures set forth in section 717 of the Civil

1 Rights Act of 1964 (42 U.S.C. 2000e–16) shall be
 2 available to any qualified person with a disability
 3 who is a visitor, guest, or patron of an instrumental-
 4 ity of Congress and who alleges a violation of the
 5 rights and protections under sections 201 through
 6 230 or section 302 or 303 of this Act that are made
 7 applicable by this section, except that the authorities
 8 of the Equal Employment Opportunity Commission
 9 shall be exercised by the chief official of the instru-
 10 mentality of the Congress.”.

11 (h) EFFECTIVE DATE.—

12 (1) IN GENERAL.—Subsections (b), (c), and (d)
 13 shall be effective on January 1, 1997.

14 (2) GENERAL ACCOUNTING OFFICE, GOVERN-
 15 MENT PRINTING OFFICE, AND LIBRARY OF CON-
 16 GRESS.—Subsection (g) shall be effective 1 year
 17 after transmission to the Congress of the study
 18 under section 230.

19 **PART C—OCCUPATIONAL SAFETY AND HEALTH**
 20 **ACT OF 1970**

21 **SEC. 215. RIGHTS AND PROTECTIONS UNDER THE OCCUPA-**
 22 **TIONAL SAFETY AND HEALTH ACT OF 1970;**
 23 **PROCEDURES FOR REMEDY OF VIOLATIONS.**

24 (a) OCCUPATIONAL SAFETY AND HEALTH PROTEC-
 25 TIONS.—

1 (1) IN GENERAL.—Each employing office and
2 each covered employee shall comply with the provi-
3 sions of section 5 of the Occupational Safety and
4 Health Act of 1970 (29 U.S.C. 654).

5 (2) DEFINITIONS.—For purposes of the appli-
6 cation under this section of the Occupational Safety
7 and Health Act of 1970—

8 (A) the term “employer” as used in such
9 Act means an employing office;

10 (B) the term “employee” as used in such
11 Act means a covered employee;

12 (C) the term “employing office” includes
13 the General Accounting Office and the Library
14 of Congress; and

15 (D) the term “employee” includes employ-
16 ees of the General Accounting Office and the
17 Library of Congress.

18 (b) REMEDY.—The remedy for a violation of sub-
19 section (a) shall be an order to correct the violation, in-
20 cluding such order as would be appropriate if issued under
21 section 13(a) of the Occupational Safety and Health Act
22 of 1970 (29 U.S.C. 662(a)).

23 (c) PROCEDURES.—

24 (1) REQUESTS FOR INSPECTIONS.—Upon writ-
25 ten request of any employing office or covered em-

1 employee, the General Counsel shall exercise the au-
 2 thorities granted to the Secretary of Labor by sub-
 3 sections (a) and (f) of section 8 of the Occupational
 4 Safety and Health Act of 1970 (29 U.S.C. 657(a)
 5 and (f)) to inspect and investigate places of employ-
 6 ment under the jurisdiction of employing offices.

7 (2) CITATIONS, NOTICES, AND NOTIFICA-
 8 TIONS.—For purposes of this section, the General
 9 Counsel shall exercise the authorities granted to the
 10 Secretary of Labor in sections 9 and 10 of the Occu-
 11 pational Safety and Health Act of 1970 (29 U.S.C.
 12 658 and 659), to issue—

13 (A) a citation or notice to any employing
 14 office responsible for correcting a violation of
 15 subsection (a), as determined appropriate by
 16 the General Counsel pursuant to regulations is-
 17 sued by the Board pursuant to section 304; or

18 (B) a notification to any employing office
 19 that the General Counsel believes has failed to
 20 correct a violation for which a citation has been
 21 issued within the period permitted for its cor-
 22 rection.

23 (3) HEARINGS AND REVIEW.—If after issuing a
 24 citation or notification, the General Counsel deter-
 25 mines that a violation has not been corrected, the

1 General Counsel may file a complaint with the Office
2 against the employing office named in the citation or
3 notification. The complaint shall be submitted to a
4 hearing officer for decision pursuant to section 405,
5 subject to review by the Board pursuant to section
6 406.

7 (4) VARIANCE PROCEDURES.—An employing of-
8 fice may request from the Board an order granting
9 a variance from a standard made applicable by this
10 section. For the purposes of this section, the Board
11 shall exercise the authorities granted to the Sec-
12 retary of Labor in section 6(b)(6) of the Occupa-
13 tional Safety and Health Act of 1970 (29 U.S.C.
14 655(b)(6)) to act on any employing office's request
15 for a variance. The Board shall refer the matter to
16 a hearing officer pursuant to section 405, subject to
17 review by the Board pursuant to section 406.

18 (5) JUDICIAL REVIEW.—The General Counsel
19 or employing office aggrieved by a final decision of
20 the Board under paragraph (3) or (4), may file a pe-
21 tition for review with the United States Court of Ap-
22 peals for the Federal Circuit pursuant to section
23 407.

24 (6) COMPLIANCE DATE.—If a citation of a vio-
25 lation under this section is received and new appro-

1 priated funds are necessary to abate the violation,
2 abatement shall take place as soon as possible, but
3 no later than the fiscal year following the fiscal year
4 in which the citation is issued.

5 (d) REGULATIONS TO IMPLEMENT SECTION.—

6 (1) IN GENERAL.—The Board shall, pursuant
7 to section 304, issue regulations to implement this
8 section.

9 (2) AGENCY REGULATIONS.—The regulations
10 issued under paragraph (1) shall be the same as
11 substantive regulations promulgated by the Sec-
12 retary of Labor to implement the statutory provi-
13 sions referred to in subsection (a) except to the ex-
14 tent that the Board may determine, for good cause
15 shown and stated together with the regulation, that
16 a modification of such regulations would be more ef-
17 fective for the implementation of the rights and pro-
18 tections under this section.

19 (e) PERIODIC INSPECTIONS; REPORT TO CON-
20 GRESS.—

21 (1) PERIODIC INSPECTIONS.—On a regular
22 basis, and at least once each Congress, the General
23 Counsel shall conduct periodic inspections of all fa-
24 cilities of the House of Representatives, the Senate,
25 the Capitol Guide Service, the Capitol Police, the

1 Congressional Budget Office, the Office of the Ar-
2 chitect of the Capitol, the Office of the Attending
3 Physician, the Office of Compliance, and the Office
4 of Technology Assessment to report on compliance
5 with subsection (a).

6 (2) REPORT.—On the basis of each periodic in-
7 spection, the General Counsel shall prepare and sub-
8 mit a report—

9 (A) to the Speaker of the House of Rep-
10 resentatives, the President pro tempore of the
11 Senate, and the Office of the Architect of the
12 Capitol or other employing office responsible, as
13 determined under regulations issued by the
14 Board under section 304 of this Act, for cor-
15 recting the violation of this section uncovered
16 by such inspection, and

17 (B) containing the results of the periodic
18 inspection, identifying the employing office re-
19 sponsible for correcting the violation of this sec-
20 tion uncovered by such inspection, describing
21 any steps necessary to correct any violation of
22 this section, and assessing any risks to em-
23 ployee health and safety associated with any
24 violation.

1 (3) ACTION AFTER REPORT.—If a report identi-
2 fies any violation of this section, the General Coun-
3 sel shall issue a citation or notice in accordance with
4 subsection (c)(2)(A).

5 (4) DETAILED PERSONNEL.—The Secretary of
6 Labor may, on request of the Executive Director,
7 detail to the Office such personnel as may be nec-
8 essary to advise and assist the Office in carrying out
9 its duties under this section.

10 (f) INITIAL PERIOD FOR STUDY AND CORRECTIVE
11 ACTION.—The period from the date of the enactment of
12 this Act until December 31, 1996, shall be available to
13 the Office of the Architect of the Capitol and other em-
14 ploying offices to identify any violations of subsection (a),
15 to determine the costs of compliance, and to take any nec-
16 essary corrective action to abate any violations. The Office
17 shall assist the Office of the Architect of the Capitol and
18 other employing offices by arranging for inspections and
19 other technical assistance at their request. Prior to July
20 1, 1996, the General Counsel shall conduct a thorough in-
21 spection under subsection (e)(1) and shall submit the re-
22 port under subsection (e)(2) for the 104th Congress.

23 (g) EFFECTIVE DATE.—

1 (1) IN GENERAL.—Except as provided in para-
 2 graph (2), subsections (a), (b), (c), and (e)(3) shall
 3 be effective on January 1, 1997.

4 (2) GENERAL ACCOUNTING OFFICE AND LI-
 5 BRARY OF CONGRESS.—This section shall be effec-
 6 tive with respect to the General Accounting Office
 7 and the Library of Congress 1 year after trans-
 8 mission to the Congress of the study under section
 9 230.

10 **PART D—LABOR-MANAGEMENT RELATIONS**

11 **SEC. 220. APPLICATION OF CHAPTER 71 OF TITLE 5,**
 12 **UNITED STATES CODE, RELATING TO FED-**
 13 **ERAL SERVICE LABOR-MANAGEMENT RELA-**
 14 **TIONS; PROCEDURES FOR REMEDY OF VIOLA-**
 15 **TIONS.**

16 (a) LABOR-MANAGEMENT RIGHTS.—

17 (1) IN GENERAL.—Subject to subsection (d),
 18 the rights, protections, and responsibilities estab-
 19 lished under sections 7102, 7106, 7111 through
 20 7117, 7119 through 7122, and 7131 of title 5,
 21 United States Code, shall apply to employing offices
 22 and to covered employees and representatives of
 23 those employees.

24 (2) DEFINITION.—For purposes of the applica-
 25 tion under this section of the sections referred to in

1 paragraph (1), the term “agency” shall be deemed
2 to include an employing office.

3 (b) REMEDY.—The remedy for a violation of sub-
4 section (a) shall be such remedy, including a remedy under
5 section 7118(a)(7) of title 5, United States Code, as would
6 be appropriate if awarded by the Federal Labor Relations
7 Authority to remedy a violation of any provision made ap-
8 plicable by subsection (a).

9 (c) AUTHORITIES AND PROCEDURES FOR IMPLEMEN-
10 TATION AND ENFORCEMENT.—

11 (1) GENERAL AUTHORITIES OF THE BOARD;
12 PETITIONS.—For purposes of this section and except
13 as otherwise provided in this section, the Board shall
14 exercise the authorities of the Federal Labor Rela-
15 tions Authority under sections 7105, 7111, 7112,
16 7113, 7115, 7117, 7118, and 7122 of title 5, United
17 States Code, and of the President under section
18 7103(b) of title 5, United States Code. For purposes
19 of this section, any petition or other submission that,
20 under chapter 71 of title 5, United States Code,
21 would be submitted to the Federal Labor Relations
22 Authority shall, if brought under this section, be
23 submitted to the Board. The Board shall refer any
24 matter under this paragraph to a hearing officer for
25 decision pursuant to section 405, subject to review

1 by the Board pursuant to section 406. The Board
2 may direct that the General Counsel carry out the
3 Board's investigative authorities under this para-
4 graph.

5 (2) GENERAL AUTHORITIES OF THE GENERAL
6 COUNSEL; CHARGES OF UNFAIR LABOR PRACTICE.—

7 For purposes of this section and except as otherwise
8 provided in this section, the General Counsel shall
9 exercise the authorities of the General Counsel of
10 the Federal Labor Relations Authority under sec-
11 tions 7104 and 7118 of title 5, United States Code.

12 For purposes of this section, any charge or other
13 submission that, under chapter 71 of title 5, United
14 States Code, would be submitted to the General
15 Counsel of the Federal Labor Relations Authority
16 shall, if brought under this section, be submitted to
17 the General Counsel. If any person charges an em-
18 ploying office or a labor organization with having en-
19 gaged in or engaging in an unfair labor practice and
20 makes such charge within 180 days of the occur-
21 rence of the alleged unfair labor practice, the Gen-
22 eral Counsel shall investigate the charge and may
23 file a complaint with the Office. The complaint shall
24 be submitted to a hearing officer for decision pursu-

1 ant to section 405, subject to review by the Board
2 pursuant to section 406.

3 (3) JUDICIAL REVIEW.—Except for matters re-
4 ferred to in paragraphs (1) and (2) of section
5 7123(a) of title 5, United States Code, the General
6 Counsel or the respondent to the complaint, if ag-
7 grieved by a final decision of the Board under para-
8 graphs (1) and (2) of this subsection may file a peti-
9 tion for judicial review in the United States Court
10 of Appeals for the Federal Circuit pursuant to sec-
11 tion 407.

12 (4) EXERCISE OF IMPASSES PANEL AUTHORITY;
13 REQUESTS.—For purposes of this section and except
14 as otherwise provided in this section, the Board shall
15 exercise the authorities of the Federal Service Im-
16 passes Panel under section 7119 of title 5, United
17 States Code. For purposes of this section, any re-
18 quest that, under chapter 71 of title 5, United
19 States Code, would be presented to the Federal
20 Service Impasses Panel shall, if made under this sec-
21 tion, be presented to the Board. At the request of
22 the Board, the Executive Director shall appoint a
23 mediator or mediators to perform the functions of
24 the Federal Service Impasses Panel under section
25 7119 of title 5, United States Code.

1 (c) REGULATIONS TO IMPLEMENT SECTION.—

2 (1) IN GENERAL.—The Board shall, pursuant
3 to section 304, issue regulations to implement this
4 section.

5 (2) AGENCY REGULATIONS.—Except as pro-
6 vided in subsection (d), the regulations issued under
7 paragraph (1) shall be the same as substantive regu-
8 lations promulgated by the Federal Labor Relations
9 Authority to implement the statutory provisions re-
10 ferred to in subsection (a) except—

11 (A) to the extent that the Board may de-
12 termine, for good cause shown and stated to-
13 gether with the regulation, that a modification
14 of such regulations would be more effective for
15 the implementation of the rights and protec-
16 tions under this section; or

17 (B) as the Board deems necessary to avoid
18 a conflict of interest or appearance of a conflict
19 of interest.

20 (d) SPECIFIC REGULATIONS REGARDING APPLICA-
21 TION TO CERTAIN OFFICES OF CONGRESS.—

22 (1) REGULATIONS REQUIRED.—The Board
23 shall issue regulations pursuant to section 304 on
24 the manner and extent to which the requirements
25 and exemptions of chapter 71 of title 5, United

1 States Code, should apply to covered employees who
2 are employed in the offices listed in paragraph (2).
3 The regulations shall, to the greatest extent prac-
4 ticable, be consistent with the provisions and pur-
5 poses of chapter 71 of title 5, United States Code
6 and of this Act, and shall be the same as substantive
7 regulations issued by the Federal Labor Relations
8 Authority under such chapter, except—

9 (A) to the extent that the Board may de-
10 termine, for good cause shown and stated to-
11 gether with the regulation, that a modification
12 of such regulations would be more effective for
13 the implementation of the rights and protec-
14 tions under this section; and

15 (B) that the Board shall exclude from cov-
16 erage under this section any covered employees
17 who are employed in offices listed in paragraph
18 (2) if the Board determines that such exclusion
19 is required because of—

20 (i) a conflict of interest or appearance
21 of a conflict of interest; or

22 (ii) Congress' constitutional respon-
23 sibilities.

24 (2) OFFICES REFERRED TO.—The offices re-
25 ferred to in paragraph (1) include—

1 (A) the personal office of any Member of
2 the House of Representatives or of any Senator;

3 (B) a standing, select, special, permanent,
4 temporary, or other committee of the Senate or
5 House of Representatives, or a joint committee
6 of Congress;

7 (C) the Office of the Vice President (as
8 President of the Senate), the Office of the
9 President pro tempore of the Senate, the Office
10 of the Majority Leader of the Senate, the Office
11 of the Minority Leader of the Senate, the Office
12 of the Majority Whip of the Senate, the Office
13 of the Minority Whip of the Senate, the Con-
14 ference of the Majority of the Senate, the Con-
15 ference of the Minority of the Senate, the Office
16 of the Secretary of the Conference of the Ma-
17 jority of the Senate, the Office of the Secretary
18 of the Conference of the Minority of the Senate,
19 the Office of the Secretary for the Majority of
20 the Senate, the Office of the Secretary for the
21 Minority of the Senate, the Majority Policy
22 Committee of the Senate, the Minority Policy
23 Committee of the Senate, and the following of-
24 fices within the Office of the Secretary of the
25 Senate: Offices of the Parliamentarian, Bill

1 Clerk, Legislative Clerk, Journal Clerk, Execu-
2 tive Clerk, Enrolling Clerk, Official Reporters
3 of Debate, Daily Digest, Printing Services, Cap-
4 tioning Services, and Senate Chief Counsel for
5 Employment;

6 (D) the Office of the Speaker of the House
7 of Representatives, the Office of the Majority
8 Leader of the House of Representatives, the Of-
9 fice of the Minority Leader of the House of
10 Representatives, the Offices of the Chief Dep-
11 uty Majority Whips, the Offices of the Chief
12 Deputy Minority Whips and the following of-
13 fices within the Office of the Clerk of the House
14 of Representatives: Offices of Legislative Oper-
15 ations, Official Reporters of Debate, Official
16 Reporters to Committees, Printing Services,
17 and Legislative Information;

18 (E) the Office of the Legislative Counsel of
19 the Senate, the Office of the Senate Legal
20 Counsel, the Office of the Legislative Counsel of
21 the House of Representatives, the Office of the
22 General Counsel of the House of Representa-
23 tives, the Office of the Parliamentarian of the
24 House of Representatives, and the Office of the
25 Law Revision Counsel;

1 (F) the offices of any caucus or party or-
 2 ganization;

3 (G) the Congressional Budget Office, the
 4 Office of Technology Assessment, and the Of-
 5 fice of Compliance; and

6 (H) such other offices that perform com-
 7 parable functions which are identified under
 8 regulations of the Board.

9 (e) EFFECTIVE DATE.—

10 (1) IN GENERAL.—Except as provided in para-
 11 graph (2), subsections (a) and (b) shall be effective
 12 on October 1, 1996.

13 (2) CERTAIN OFFICES.—With respect to the of-
 14 fices listed in subsection (d)(2), to the covered em-
 15 ployees of such offices, and to representatives of
 16 such employees, subsections (a) and (b) shall be ef-
 17 fective on the effective date of regulations under
 18 subsection (d).

19 **PART E—GENERAL**

20 **SEC. 225. GENERALLY APPLICABLE REMEDIES AND LIMITA-**
 21 **TIONS.**

22 (a) ATTORNEY'S FEES.—If a covered employee, with
 23 respect to any claim under this Act, or a qualified person
 24 with a disability, with respect to any claim under section
 25 210, is a prevailing party in any proceeding under section

1 405, 406, 407, or 408, the hearing officer, Board, or
2 court, as the case may be, may award attorney's fees, ex-
3 pert witness fees, and any other costs as would be appro-
4 priate if awarded under section 706(k) of the Civil Rights
5 Act of 1964 (42 U.S.C. 2000e-5(k)).

6 (b) INTEREST.—In any proceeding under section
7 405, 406, 407, or 408, the same interest to compensate
8 for delay in payment shall be made available as would be
9 appropriate if awarded under section 717(d) of the Civil
10 Rights Act of 1964 (42 U.S.C. 2000e-16(d)).

11 (c) CIVIL PENALTIES AND PUNITIVE DAMAGES.—No
12 civil penalty or punitive damages may be awarded with
13 respect to any claim under this Act.

14 (d) EXCLUSIVE PROCEDURE.—

15 (1) IN GENERAL.—Except as provided in para-
16 graph (2), no person may commence an administra-
17 tive or judicial proceeding to seek a remedy for the
18 rights and protections afforded by this Act except as
19 provided in this Act.

20 (2) VETERANS.—A covered employee under sec-
21 tion 206 may also utilize any provisions of chapter
22 43 of title 38, United States Code, that are applica-
23 ble to that employee.

24 (e) SCOPE OF REMEDY.—Only a covered employee
25 who has undertaken and completed the procedures de-

1 scribed in sections 402 and 403 may be granted a remedy
2 under part A of this title.

3 (f) CONSTRUCTION.—

4 (1) DEFINITIONS AND EXEMPTIONS.—Except
5 where inconsistent with definitions and exemptions
6 provided in this Act, the definitions and exemptions
7 in the laws made applicable by this Act shall apply
8 under this Act.

9 (2) SIZE LIMITATIONS.—Notwithstanding para-
10 graph (1), provisions in the laws made applicable
11 under this Act (other than the Worker Adjustment
12 and Retraining Notification Act) determining cov-
13 erage based on size, whether expressed in terms of
14 numbers of employees, amount of business trans-
15 acted, or other measure, shall not apply in determin-
16 ing coverage under this Act.

17 (3) EXECUTIVE BRANCH ENFORCEMENT.—This
18 Act shall not be construed to authorize enforcement
19 by the executive branch of this Act.

PART F—STUDY

**SEC. 230. STUDY AND RECOMMENDATIONS REGARDING
GENERAL ACCOUNTING OFFICE, GOVERN-
MENT PRINTING OFFICE, AND LIBRARY OF
CONGRESS.**

(a) IN GENERAL.—The Administrative Conference of
the United States shall undertake a study of—

(1) the application of the laws listed in sub-
section (b) to—

(A) the General Accounting Office;

(B) the Government Printing Office; and

(C) the Library of Congress; and

(2) the regulations and procedures used by the
entities referred to in paragraph (1) to apply and
enforce such laws to themselves and their employees.

(b) APPLICABLE STATUTES.—The study under this
section shall consider the application of the following laws:

(1) Title VII of the Civil Rights Act of 1964
(42 U.S.C. 2000e et seq.), and related provisions of
section 2302 of title 5, United States Code.

(2) The Age Discrimination in Employment Act
of 1967 (29 U.S.C. 621 et seq.), and related provi-
sions of section 2302 of title 5, United States Code.

(3) The Americans with Disabilities Act of
1990 (42 U.S.C. 12101 et seq.), and related provi-
sions of section 2302 of title 5, United States Code.

1 (4) The Family and Medical Leave Act of 1993
2 (29 U.S.C. 2611 et seq.), and related provisions of
3 sections 6381 through 6387 of title 5, United States
4 Code.

5 (5) The Fair Labor Standards Act of 1938 (29
6 U.S.C. 201 et seq.), and related provisions of sec-
7 tions 5541 through 5550a of title 5, United States
8 Code.

9 (6) The Occupational Safety and Health Act of
10 1970 (29 U.S.C. 651 et seq.), and related provisions
11 of section 7902 of title 5, United States Code.

12 (7) The Rehabilitation Act of 1973 (29 U.S.C.
13 701 et seq.).

14 (8) Chapter 71 (relating to Federal service
15 labor-management relations) of title 5, United
16 States Code.

17 (9) The General Accounting Office Personnel
18 Act of 1980 (31 U.S.C. 731 et seq.).

19 (10) The Employee Polygraph Protection Act of
20 1988 (29 U.S.C. 2001 et seq.).

21 (11) The Worker Adjustment and Retraining
22 Notification Act (29 U.S.C. 2101 et seq.).

23 (12) Chapter 43 (relating to veterans' employ-
24 ment and reemployment) of title 38, United States
25 Code.

1 (c) CONTENTS OF STUDY AND RECOMMENDA-
2 TIONS.—The study under this section shall evaluate
3 whether the rights, protections, and procedures, including
4 administrative and judicial relief, applicable to the entities
5 listed in paragraph (1) of subsection (a) and their employ-
6 ees are comprehensive and effective and shall include
7 recommendations for any improvements in regulations or
8 legislation, including proposed regulatory or legislative
9 language.

10 (d) DEADLINE AND DELIVERY OF STUDY.—Not later
11 than 2 years after the date of the enactment of this Act—

12 (1) the Administrative Conference of the United
13 States shall prepare and complete the study and rec-
14 ommendations required under this section and shall
15 submit the study and recommendations to the
16 Board; and

17 (2) the Board shall transmit such study and
18 recommendations (with the Board's comments) to
19 the head of each entity considered in the study, and
20 to the Congress by delivery to the Speaker of the
21 House of Representatives and President pro tempore
22 of the Senate for referral to the appropriate commit-
23 tees of the House of Representatives and of the
24 Senate.

TITLE III—OFFICE OF COMPLIANCE

SEC. 301. ESTABLISHMENT OF OFFICE OF COMPLIANCE.

(a) **ESTABLISHMENT.**—There is established, as an independent office within the legislative branch of the Federal Government, the Office of Compliance.

(b) **BOARD OF DIRECTORS.**—The Office shall have a Board of Directors. The Board shall consist of 5 individuals appointed jointly by the Speaker of the House of Representatives, the Majority Leader of the Senate, and the Minority Leaders of the House of Representatives and the Senate. Appointments of the first 5 members of the Board shall be completed not later than 90 days after the date of the enactment of this Act.

(c) **CHAIR.**—The Chair shall be appointed from members of the Board jointly by the Speaker of the House of Representatives, the Majority Leader of the Senate, and the Minority Leaders of the House of Representatives and the Senate.

(d) **BOARD OF DIRECTORS QUALIFICATIONS.**—

(1) **SPECIFIC QUALIFICATIONS.**—Selection and appointment of members of the Board shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office. Members of the Board shall have training or experi-

1 ence in the application of the rights, protections, and
2 remedies under one or more of the laws made appli-
3 cable under section 102.

4 (2) DISQUALIFICATIONS FOR APPOINTMENTS.—

5 (A) LOBBYING.—No individual who en-
6 gages in, or is otherwise employed in, lobbying
7 of the Congress and who is required under the
8 Federal Regulation of Lobbying Act to register
9 with the Clerk of the House of Representatives
10 or the Secretary of the Senate shall be eligible
11 for appointment to, or service on, the Board.

12 (B) INCOMPATIBLE OFFICE.—No member
13 of the Board appointed under subsection (b)
14 may hold or may have held the position of
15 Member of the House of Representatives or
16 Senator, may hold the position of officer or em-
17 ployee of the House of Representatives, Senate,
18 or instrumentality or other entity of the legisla-
19 tive branch, or may have held such a position
20 (other than the position of an officer or em-
21 ployee of the General Accounting Office Person-
22 nel Appeals Board, an officer or employee of
23 the Office of Fair Employment Practices of the
24 House of Representatives, or officer or em-
25 ployee of the Office of Fair Employment Prac-

1 tices of the Senate) within 4 years of the date
2 of appointment.

3 (3) VACANCIES.—A vacancy on the Board shall
4 be filled in the manner in which the original appoint-
5 ment was made.

6 (e) TERM OF OFFICE.—

7 (1) IN GENERAL.—Except as provided in para-
8 graph (2), membership on the Board shall be for 5
9 years. A member of the Board who is appointed to
10 a term of office of more than 3 years shall only be
11 eligible for appointment for a single term of office.

12 (2) FIRST APPOINTMENTS.—Of the members
13 first appointed to the Board—

14 (A) 1 shall have a term of office of 3
15 years,

16 (B) 2 shall have a term of office of 4
17 years, and

18 (C) 2 shall have a term of office of 5
19 years, 1 of whom shall be the Chair,

20 as designated at the time of appointment by the per-
21 sons specified in subsection (b).

22 (f) REMOVAL.—

23 (1) AUTHORITY.—Any member of the Board
24 may be removed from office by a majority decision

1 of the appointing authorities described in subsection
2 (b), but only for—

3 (A) disability that substantially prevents
4 the member from carrying out the duties of the
5 member,

6 (B) incompetence,

7 (C) neglect of duty,

8 (D) malfeasance, including a felony or con-
9 duct involving moral turpitude, or

10 (E) holding an office or employment or en-
11 gaging in an activity that disqualifies the indi-
12 vidual from service as a member of the Board
13 under subsection (d)(2).

14 (2) STATEMENT OF REASONS FOR REMOVAL.—

15 In removing a member of the Board, the Speaker of
16 the House of Representatives and the President pro
17 tempore of the Senate shall state in writing to the
18 member of the Board being removed the specific rea-
19 sons for the removal.

20 (g) COMPENSATION.—

21 (1) PER DIEM.—Each member of the Board
22 shall be compensated at a rate equal to the daily
23 equivalent of the annual rate of basic pay prescribed
24 for level V of the Executive Schedule under section
25 5316 of title 5, United States Code, for each day

1 (including travel time) during which such member
2 is engaged in the performance of the duties of the
3 Board. The rate of pay of a member may be pro-
4 rated based on the portion of the day during which
5 the member is engaged in the performance of Board
6 duties.

7 (2) TRAVEL EXPENSES.—Each member of the
8 Board shall receive travel expenses, including per
9 diem in lieu of subsistence, at rates authorized for
10 employees of agencies under subchapter I of chapter
11 57 of title 5, United States Code, for each day the
12 member is engaged in the performance of duties
13 away from the home or regular place of business of
14 the member.

15 (h) DUTIES.—The Office shall—

16 (1) carry out a program of education for Mem-
17 bers of Congress and other employing authorities of
18 the legislative branch of the Federal Government re-
19 specting the laws made applicable to them and a
20 program to inform individuals of their rights under
21 laws applicable to the legislative branch of the Fed-
22 eral Government;

23 (2) in carrying out the program under para-
24 graph (1), distribute the telephone number and ad-
25 dress of the Office, procedures for action under title

1 IV, and any other information appropriate for dis-
2 tribution, distribute such information to employing
3 offices in a manner suitable for posting, provide
4 such information to new employees of employing of-
5 fices, distribute such information to the residences of
6 covered employees, and conduct seminars and other
7 activities designed to educate employing offices and
8 covered employees; and

9 (3) compile and publish statistics on the use of
10 the Office by covered employees, including the num-
11 ber and type of contacts made with the Office, on
12 the reason for such contacts, on the number of cov-
13 ered employees who initiated proceedings with the
14 Office under this Act and the result of such proceed-
15 ings, and on the number of covered employees who
16 filed a complaint, the basis for the complaint, and
17 the action taken on the complaint.

18 (i) CONGRESSIONAL OVERSIGHT.—The Board and
19 the Office shall be subject to oversight (except with respect
20 to the disposition of individual cases) by the Committee
21 on Rules and Administration and the Committee on Gov-
22 ernmental Affairs of the Senate and the Committee on
23 House Oversight of the House of Representatives.

24 (j) OPENING OF OFFICE.—The Office shall be open
25 for business, including receipt of requests for counseling

1 under section 402, not later than 1 year after the date
2 of the enactment of this Act.

3 (k) FINANCIAL DISCLOSURE REPORTS.—Members of
4 the Board and officers and employees of the Office shall
5 file the financial disclosure reports required under title I
6 of the Ethics in Government Act of 1978 with the Clerk
7 of the House of Representatives.

8 **SEC. 302. OFFICERS, STAFF, AND OTHER PERSONNEL.**

9 (a) EXECUTIVE DIRECTOR.—

10 (1) APPOINTMENT AND REMOVAL.—

11 (A) IN GENERAL.—The Chair, subject to
12 the approval of the Board, shall appoint and
13 may remove an Executive Director. Selection
14 and appointment of the Executive Director shall
15 be without regard to political affiliation and
16 solely on the basis of fitness to perform the du-
17 ties of the Office. The first Executive Director
18 shall be appointed no later than 90 days after
19 the initial appointment of the Board of Direc-
20 tors.

21 (B) QUALIFICATIONS.—The Executive Di-
22 rector shall be an individual with training or ex-
23 pertise in the application of laws referred to in
24 section 102(a).

1 (C) DISQUALIFICATIONS.—The disquali-
2 fications in section 301(d)(2) shall apply to the
3 appointment of the Executive Director.

4 (2) COMPENSATION.—The Chair may fix the
5 compensation of the Executive Director. The rate of
6 pay for the Executive Director may not exceed the
7 annual rate of basic pay prescribed for level V of the
8 Executive Schedule under section 5316 of title 5,
9 United States Code.

10 (3) TERM.—The term of office of the Executive
11 Director shall be a single term of 5 years, except
12 that the first Executive Director shall have a single
13 term of 7 years.

14 (4) DUTIES.—The Executive Director shall
15 serve as the chief operating officer of the Office. Ex-
16 cept as otherwise specified in this Act, the Executive
17 Director shall carry out all of the responsibilities of
18 the Office under this Act.

19 (b) DEPUTY EXECUTIVE DIRECTORS.—

20 (1) IN GENERAL.—The Chair, subject to the
21 approval of the Board, shall appoint and may re-
22 move a Deputy Executive Director for the Senate
23 and a Deputy Executive Director for the House of
24 Representatives. Selection and appointment of a
25 Deputy Executive Director shall be without regard

1 to political affiliation and solely on the basis of fit-
2 ness to perform the duties of the office. The dis-
3 qualifications in section 301(d)(2) shall apply to the
4 appointment of a Deputy Executive Director.

5 (2) TERM.—The term of office of a Deputy Ex-
6 ecutive Director shall be a single term of 5 years, ex-
7 cept that the first Deputy Executive Directors shall
8 have a single term of 6 years.

9 (3) COMPENSATION.—The Chair may fix the
10 compensation of the Deputy Executive Directors.
11 The rate of pay for a Deputy Executive Director
12 may not exceed 96 percent of the annual rate of
13 basic pay prescribed for level V of the Executive
14 Schedule under section 5316 of title 5, United
15 States Code.

16 (4) DUTIES.—The Deputy Executive Director
17 for the Senate shall recommend to the Board regula-
18 tions under section 304(a)(2)(B)(i), maintain the
19 regulations and all records pertaining to the regula-
20 tions, and shall assume such other responsibilities as
21 may be delegated by the Executive Director. The
22 Deputy Executive Director for the House of Rep-
23 resentatives shall recommend to the Board the regu-
24 lations under section 304(a)(2)(B)(ii), maintain the
25 regulations and all records pertaining to the regula-

1 tions, and shall assume such other responsibilities as
2 may be delegated by the Executive Director.

3 (c) GENERAL COUNSEL.—

4 (1) IN GENERAL.—The Chair, subject to the
5 approval of the Board, shall appoint a General
6 Counsel. Selection and appointment of the General
7 Counsel shall be without regard to political affili-
8 ation and solely on the basis of fitness to perform
9 the duties of the Office. The disqualifications in sec-
10 tion 301(d)(2) shall apply to the appointment of a
11 General Counsel.

12 (2) COMPENSATION.—The Chair may fix the
13 compensation of the General Counsel. The rate of
14 pay for the General Counsel may not exceed the an-
15 nual rate of basic pay prescribed for level V of the
16 Executive Schedule under section 5316 of title 5,
17 United States Code.

18 (3) DUTIES.—The General Counsel shall—

19 (A) exercise the authorities and perform
20 the duties of the General Counsel as specified
21 in this Act; and

22 (B) otherwise assist the Board and the Ex-
23 ecutive Director in carrying out their duties and
24 powers, including representing the Office in any
25 judicial proceeding under this Act.

1 (4) ATTORNEYS IN THE OFFICE OF THE GEN-
 2 ERAL COUNSEL.—The General Counsel shall ap-
 3 point, and fix the compensation of, and may remove,
 4 such additional attorneys as may be necessary to en-
 5 able the General Counsel to perform the General
 6 Counsel’s duties.

7 (5) TERM.—The term of office of the General
 8 Counsel shall be a single term of 5 years.

9 (6) REMOVAL.—

10 (A) AUTHORITY.—The General Counsel
 11 may be removed from office by the Chair but
 12 only for—

13 (i) disability that substantially pre-
 14 vents the General Counsel from carrying
 15 out the duties of the General Counsel,

16 (ii) incompetence,

17 (iii) neglect of duty,

18 (iv) malfeasance, including a felony or
 19 conduct involving moral turpitude, or

20 (v) holding an office or employment or
 21 engaging in an activity that disqualifies the
 22 individual from service as the General
 23 Counsel under paragraph (1).

24 (B) STATEMENT OF REASONS FOR RE-
 25 MOVAL.—In removing the General Counsel, the

1 Speaker of the House of Representatives and
2 the President pro tempore of the Senate shall
3 state in writing to the General Counsel the spe-
4 cific reasons for the removal.

5 (d) OTHER STAFF.—The Executive Director shall ap-
6 point, and fix the compensation of, and may remove, such
7 other additional staff, including hearing officers, but not
8 including attorneys employed in the office of the General
9 Counsel, as may be necessary to enable the Office to per-
10 form its duties.

11 (e) DETAILED PERSONNEL.—The Executive Director
12 may, with the prior consent of the department or agency
13 of the Federal Government concerned, use on a reimburs-
14 able or nonreimbursable basis the services of personnel of
15 any such department or agency, including the services of
16 members or personnel of the General Accounting Office
17 Personnel Appeals Board.

18 (f) CONSULTANTS.—In carrying out the functions of
19 the Office, the Executive Director may procure the tem-
20 porary (not to exceed 1 year) or intermittent services of
21 consultants.

22 **SEC. 303. PROCEDURAL RULES.**

23 (a) IN GENERAL.—The Executive Director shall, sub-
24 ject to the approval of the Board, adopt rules governing
25 the procedures of the Office, including the procedures of

1 hearing officers, which shall be submitted for publication
2 in the Congressional Record. The rules may be amended
3 in the same manner.

4 (b) PROCEDURE.—The Executive Director shall
5 adopt rules referred to in subsection (a) in accordance
6 with the principles and procedures set forth in section 553
7 of title 5, United States Code. The Executive Director
8 shall publish a general notice of proposed rulemaking
9 under section 553(b) of title 5, United States Code, but,
10 instead of publication of a general notice of proposed rule-
11 making in the Federal Register, the Executive Director
12 shall transmit such notice to the Speaker of the House
13 of Representatives and the President pro tempore of the
14 Senate for publication in the Congressional Record on the
15 first day on which both Houses are in session following
16 such transmittal. Before issuing rules, the Executive Di-
17 rector shall provide a comment period of at least 30 days
18 after publication of a general notice of proposed rule-
19 making. Upon adopting rules, the Executive Director shall
20 transmit notice of such action together with a copy of such
21 rules to the Speaker of the House of Representatives and
22 the President pro tempore of the Senate for publication
23 in the Congressional Record on the first day on which both
24 Houses are in session following such transmittal. Rules
25 shall be considered issued by the Executive Director as

1 of the date on which they are published in the Congres-
2 sional Record.

3 **SEC. 304. SUBSTANTIVE REGULATIONS.**

4 (a) REGULATIONS.—

5 (1) IN GENERAL.—The procedures applicable to
6 the regulations of the Board issued for the imple-
7 mentation of this Act, which shall include regula-
8 tions the Board is required to issue under title II
9 (including regulations on the appropriate application
10 of exemptions under the laws made applicable in
11 title II) are as prescribed in this section.

12 (2) RULEMAKING PROCEDURE.—Such regula-
13 tions of the Board—

14 (A) shall be adopted, approved, and issued
15 in accordance with subsection (b);

16 (B) shall consist of 3 separate bodies of
17 regulations, which shall apply, respectively, to—

18 (i) the Senate and employees of the
19 Senate;

20 (ii) the House of Representatives and
21 employees of the House of Representatives;
22 and

23 (iii) all other covered employees and
24 employing offices.

1 (b) ADOPTION BY THE BOARD.—The Board shall
2 adopt the regulations referred to in subsection (a)(1) in
3 accordance with the principles and procedures set forth
4 in section 553 of title 5, United States Code, and as pro-
5 vided in the following provisions of this subsection:

6 (1) PROPOSAL.—The Board shall publish a
7 general notice of proposed rulemaking under section
8 553(b) of title 5, United States Code, but, instead
9 of publication of a general notice of proposed rule-
10 making in the Federal Register, the Board shall
11 transmit such notice to the Speaker of the House of
12 Representatives and the President pro tempore of
13 the Senate for publication in the Congressional
14 Record on the first day on which both Houses are
15 in session following such transmittal. Such notice
16 shall set forth the recommendations of the Deputy
17 Director for the Senate in regard to regulations
18 under subsection (a)(2)(B)(i), the recommendations
19 of the Deputy Director for the House of Representa-
20 tives in regard to regulations under subsection
21 (a)(2)(B)(ii), and the recommendations of the Exec-
22 utive Director for regulations under subsection
23 (a)(2)(B)(iii).

24 (2) COMMENT.—Before adopting regulations,
25 the Board shall provide a comment period of at least

1 30 days after publication of a general notice of pro-
2 posed rulemaking.

3 (3) ADOPTION.—After considering comments,
4 the Board shall adopt regulations and shall transmit
5 notice of such action together with a copy of such
6 regulations to the Speaker of the House of Rep-
7 resentatives and the President pro tempore of the
8 Senate for publication in the Congressional Record
9 on the first day on which both Houses are in session
10 following such transmittal.

11 (4) RECOMMENDATION AS TO METHOD OF AP-
12 PROVAL.—The Board shall include a recommenda-
13 tion in the general notice of proposed rulemaking
14 and in the regulations as to whether the regulations
15 should be approved by resolution of the Senate, by
16 resolution of the House of Representatives, by con-
17 current resolution, or by joint resolution.

18 (c) APPROVAL OF REGULATIONS.—

19 (1) IN GENERAL.—Regulations referred to in
20 paragraph (2)(B)(i) of subsection (a) may be ap-
21 proved by the Senate by resolution or by the Con-
22 gress by concurrent resolution or by joint resolution.
23 Regulations referred to in paragraph (2)(B)(ii) of
24 subsection (a) may be approved by the House of
25 Representatives by resolution or by the Congress by

1 concurrent resolution or by joint resolution. Regula-
2 tions referred to in paragraph (2)(B)(iii) may be ap-
3 proved by Congress by concurrent resolution or by
4 joint resolution.

5 (2) REFERRAL.—Upon receipt of a notice of
6 adoption of regulations under subsection (b)(3), the
7 presiding officers of the House of Representatives
8 and the Senate shall refer such notice, together with
9 a copy of such regulations, to the appropriate com-
10 mittee or committees of the House of Representa-
11 tives and of the Senate. The purpose of the referral
12 shall be to consider whether such regulations should
13 be approved, and, if so, whether such approval
14 should be by resolution of the House of Representa-
15 tives or of the Senate, by concurrent resolution or by
16 joint resolution.

17 (3) JOINT REFERRAL AND DISCHARGE IN THE
18 SENATE.—The presiding officer of the Senate may
19 refer the notice of issuance of regulations, or any
20 resolution of approval of regulations, to one commit-
21 tee or jointly to more than one committee. If a com-
22 mittee of the Senate acts to report a jointly referred
23 measure, any other committee of the Senate must
24 act within 30 calendar days of continuous session, or
25 be automatically discharged.

1 (4) ONE-HOUSE RESOLUTION OR CONCURRENT
2 RESOLUTION.—In the case of a resolution of the
3 House of Representatives or the Senate or a concur-
4 rent resolution referred to in paragraph (1), the
5 matter after the resolving clause shall be the follow-
6 ing: “The following regulations issued by the Office
7 of Compliance on ____ are hereby approved:” (the
8 blank space being appropriately filled in, and the
9 text of the regulations being set forth).

10 (5) JOINT RESOLUTION.—In the case of a joint
11 resolution referred to in paragraph (1), the matter
12 after the resolving clause shall be the following:
13 “The following regulations issued by the Office of
14 Compliance on ____ are hereby approved and shall
15 have the force and effect of law:” (the blank space
16 being appropriately filled in, and the text of the reg-
17 ulations being set forth).

18 (d) ISSUANCE AND EFFECTIVE DATE.—

19 (1) PUBLICATION.—After approval of regula-
20 tions under subsection (c), the Board shall submit
21 the regulations to the Speaker of the House of Rep-
22 resentatives and the President pro tempore of the
23 Senate for publication in the Congressional Record
24 on the first day on which both Houses are in session
25 following such transmittal.

1 (2) DATE OF ISSUANCE.—The date of issuance
2 of regulations shall be the date on which they are
3 published in the Congressional Record.

4 (3) EFFECTIVE DATE.—Regulations shall be-
5 come effective not less than 60 days after the regu-
6 lations are issued, except that the Board may pro-
7 vide for an earlier effective date for good cause
8 found (within the meaning of section 553(d)(3) of
9 title 5, United States Code) and published with the
10 regulation.

11 (e) AMENDMENT OF REGULATIONS.—Regulations
12 may be amended in the same manner as is described in
13 this section for the adoption, approval, and issuance of
14 regulations, except that the Board may, in its discretion,
15 dispense with publication of a general notice of proposed
16 rulemaking of minor, technical, or urgent amendments
17 that satisfy the criteria for dispensing with publication of
18 such notice pursuant to section 553(b)(B) of title 5,
19 United States Code.

20 (f) RIGHT TO PETITION FOR RULEMAKING.—Any in-
21 terested party may petition to the Board for the issuance,
22 amendment, or repeal of a regulation.

23 (g) CONSULTATION.—The Executive Director, the
24 Deputy Directors, and the Board—

1 (1) shall consult, with regard to the develop-
2 ment of regulations, with—

3 (A) the Chair of the Administrative Con-
4 ference of the United States;

5 (B) the Secretary of Labor;

6 (C) the Federal Labor Relations Authority;

7 and

8 (D) the Director of the Office of Personnel
9 Management; and

10 (2) may consult with any other persons with
11 whom consultation, in the opinion of the Board, the
12 Executive Director, or Deputy Directors, may be
13 helpful.

14 **SEC. 305. EXPENSES.**

15 (a) AUTHORIZATION OF APPROPRIATIONS.—Begin-
16 ning in fiscal year 1995, and for each fiscal year there-
17 after, there are authorized to be appropriated for the ex-
18 penses of the Office such sums as may be necessary to
19 carry out the functions of the Office. Until sums are first
20 appropriated pursuant to the preceding sentence, but for
21 a period not exceeding 12 months following the date of
22 the enactment of this Act—

23 (1) one-half of the expenses of the Office shall
24 be paid from funds appropriated for allowances and
25 expenses of the House of Representatives, and

1 (2) one-half of the expenses of the Office shall
2 be paid from funds appropriated for allowances and
3 expenses of the Senate,
4 upon vouchers approved by the Executive Director.

5 (b) WITNESS FEES AND ALLOWANCES.—Except for
6 covered employees, witnesses before a hearing officer or
7 the Board in any proceeding under this Act other than
8 rulemaking shall be paid the same fee and mileage allow-
9 ances as are paid subpoenaed witnesses in the courts of
10 the United States. Covered employees who are summoned,
11 or are assigned by their employer, to testify in their offi-
12 cial capacity or to produce official records in any proceed-
13 ing under this Act shall be entitled to travel expenses
14 under subchapter I and section 5751 of chapter 57 of title
15 5, United States Code.

16 **TITLE IV—ADMINISTRATIVE AND**
17 **JUDICIAL DISPUTE-RESOLU-**
18 **TION PROCEDURES**

19 **SEC. 401. PROCEDURE FOR CONSIDERATION OF ALLEGED**
20 **VIOLATIONS.**

21 Except as otherwise provided, the procedure for con-
22 sideration of alleged violations of part A of title II consists
23 of—

- 24 (1) counseling as provided in section 402;
25 (2) mediation as provided in section 403; and

1 (3) election, as provided in section 404, of ei-
2 ther—

3 (A) a formal complaint and hearing as pro-
4 vided in section 405, subject to Board review as
5 provided in section 406, and judicial review in
6 the United States Court of Appeals for the
7 Federal Circuit as provided in section 407, or
8 (B) a civil action in a district court of the
9 United States as provided in section 408.

10 In the case of an employee of the Office of the Architect
11 of the Capitol or of the Capitol Police, the Executive Di-
12 rector, after receiving a request for counseling under sec-
13 tion 402, may recommend that the employee use the griev-
14 ance procedures of the Architect of the Capitol or the Cap-
15 itol Police for resolution of the employee's grievance for
16 a specific period of time, which shall not count against
17 the time available for counseling or mediation.

18 **SEC. 402. COUNSELING.**

19 (a) IN GENERAL.—To commence a proceeding, a cov-
20 ered employee alleging a violation of a law made applicable
21 under part A of title II shall request counseling by the
22 Office. The Office shall provide the employee with all rel-
23 evant information with respect to the rights of the em-
24 ployee. A request for counseling shall be made not later
25 than 180 days after the date of the alleged violation.

1 (b) PERIOD OF COUNSELING.—The period for coun-
2 seling shall be 30 days unless the employee and the Office
3 agree to reduce the period. The period shall begin on the
4 date the request for counseling is received.

5 (c) NOTIFICATION OF END OF COUNSELING PE-
6 RIOD.—The Office shall notify the employee in writing
7 when the counseling period has ended.

8 **SEC. 403. MEDIATION.**

9 (a) INITIATION.—Not later than 15 days after the
10 end of the counseling period under section 402, but prior
11 to and as a condition of making an election under section
12 404, the covered employee who alleged a violation of a law
13 shall file a request for mediation with the Office.

14 (b) PROCESS.—Mediation under this section—

15 (1) may include the Office, the covered em-
16 ployee, the employing office, and one or more indi-
17 viduals appointed by the Executive Director after
18 considering recommendations by organizations com-
19 posed primarily of individuals experienced in adju-
20 dicating or arbitrating personnel matters, and

21 (2) shall involve meetings with the parties sepa-
22 rately or jointly for the purpose of resolving the dis-
23 pute between the covered employee and the employ-
24 ing office.

1 (c) MEDIATION PERIOD.—The mediation period shall
2 be 30 days beginning on the date the request for mediation
3 is received. The mediation period may be extended for ad-
4 ditional periods at the joint request of the covered em-
5 ployee and the employing office. The Office shall notify
6 in writing the covered employee and the employing office
7 when the mediation period has ended.

8 (d) INDEPENDENCE OF MEDIATION PROCESS.—No
9 individual, who is appointed by the Executive Director to
10 mediate, may conduct or aid in a hearing conducted under
11 section 405 with respect to the same matter or shall be
12 subject to subpoena or any other compulsory process with
13 respect to the same matter.

14 **SEC. 404. ELECTION OF PROCEEDING.**

15 Not later than 90 days after a covered employee re-
16 ceives notice of the end of the period of mediation, but
17 no sooner than 30 days after receipt of such notification,
18 such covered employee may either—

19 (1) file a complaint with the Office in accord-
20 ance with section 405, or

21 (2) file a civil action in accordance with section
22 408 in the United States district court for the dis-
23 trict in which the employee is employed or for the
24 District of Columbia.

1 **SEC. 405. COMPLAINT AND HEARING.**

2 (a) IN GENERAL.—A covered employee may, upon
3 the completion of mediation under section 403, file a com-
4 plaint with the Office. The respondent to the complaint
5 shall be the employing office—

6 (1) involved in the violation, or

7 (2) in which the violation is alleged to have oc-
8 curred,

9 and about which mediation was conducted.

10 (b) DISMISSAL.—A hearing officer may dismiss any
11 claim that the hearing officer finds to be frivolous or that
12 fails to state a claim upon which relief may be granted.

13 (c) HEARING OFFICER.—

14 (1) APPOINTMENT.—Upon the filing of a com-
15 plaint, the Executive Director shall appoint an inde-
16 pendent hearing officer to consider the complaint
17 and render a decision. No Member of the House of
18 Representatives, Senator, officer of either the House
19 of Representatives or the Senate, head of an employ-
20 ing office, member of the Board, or covered em-
21 ployee may be appointed to be a hearing officer. The
22 Executive Director shall select hearing officers on a
23 rotational or random basis from the lists developed
24 under paragraph (2). Nothing in this section shall
25 prevent the appointment of hearing officers as full-
26 time employees of the Office or the selection of hear-

1 ing officers on the basis of specialized expertise
2 needed for particular matters.

3 (2) **LISTS.**—The Executive Director shall de-
4 velop master lists, composed of—

5 (A) members of the bar of a State or the
6 District of Columbia and retired judges of the
7 United States courts who are experienced in ad-
8 judicating or arbitrating the kinds of personnel
9 and other matters for which hearings may be
10 held under this Act, and

11 (B) individuals expert in technical matters
12 relating to accessibility and usability by persons
13 with disabilities or technical matters relating to
14 occupational safety and health.

15 In developing lists, the Executive Director shall con-
16 sider candidates recommended by the Federal Medi-
17 ation and Conciliation Service or the Administrative
18 Conference of the United States.

19 (d) **HEARING.**—Unless a complaint is dismissed be-
20 fore a hearing, a hearing shall be—

21 (1) conducted in closed session on the record by
22 the hearing officer;

23 (2) commenced no later than 60 days after fil-
24 ing of the complaint under subsection (b), except
25 that the Office may, for good cause, extend up to an

1 additional 30 days the time for commencing a hear-
2 ing; and

3 (3) conducted, except as specifically provided in
4 this Act and to the greatest extent practicable, in ac-
5 cordance with the principles and procedures set
6 forth in sections 554 through 557 of title 5, United
7 States Code.

8 (e) DISCOVERY.—Reasonable prehearing discovery
9 may be permitted at the discretion of the hearing officer.

10 (f) SUBPOENAS.—

11 (1) IN GENERAL.—At the request of a party, a
12 hearing officer may issue subpoenas for the attend-
13 ance of witnesses and for the production of cor-
14 respondence, books, papers, documents, and other
15 records. The attendance of witnesses and the pro-
16 duction of records may be required from any place
17 within the United States. Subpoenas shall be served
18 in the manner provided under rule 45(b) of the Fed-
19 eral Rules of Civil Procedure.

20 (2) OBJECTIONS.—If a person refuses, on the
21 basis of relevance, privilege, or other objection, to
22 testify in response to a question or to produce
23 records in connection with a proceeding before a
24 hearing officer, the hearing officer shall rule on the
25 objection. At the request of the witness or any party,

1 the hearing officer shall (or on the hearing officer's
2 own initiative, the hearing officer may) refer the rul-
3 ing to the Board for review.

4 (3) ENFORCEMENT.—

5 (A) IN GENERAL.—If a person fails to
6 comply with a subpoena, the Board may au-
7 thorize the General Counsel to apply, in the
8 name of the Office, to an appropriate United
9 States district court for an order requiring that
10 person to appear before the hearing officer to
11 give testimony or produce records. The applica-
12 tion may be made within the judicial district
13 where the hearing is conducted or where that
14 person is found, resides, or transacts business.
15 Any failure to obey a lawful order of the district
16 court issued pursuant to this section may be
17 held by such court to be a civil contempt there-
18 of.

19 (B) SERVICE OF PROCESS.—Process in an
20 action or contempt proceeding pursuant to sub-
21 paragraph (A) may be served in any judicial
22 district in which the person refusing or failing
23 to comply, or threatening to refuse or not to
24 comply, resides, transacts business, or may be
25 found, and subpoenas for witnesses who are re-

1 quired to attend such proceedings may run into
2 any other district.

3 (g) **DECISION.**—The hearing officer shall issue a
4 written decision as expeditiously as possible, but in no case
5 more than 90 days after the conclusion of the hearing.
6 The written decision shall be transmitted by the Office to
7 the parties. The decision shall state the issues raised in
8 the complaint, describe the evidence in the record, contain
9 findings of fact and conclusions of law, contain a deter-
10 mination of whether a violation has occurred, and order
11 such remedies as are appropriate pursuant to title II. The
12 decision shall be entered in the records of the Office. If
13 a decision is not appealed under section 406 to the Board,
14 the decision shall be considered the final decision of the
15 Office.

16 (h) **PRECEDENTS.**—A hearing officer who conducts
17 a hearing under this section shall be guided by judicial
18 decisions under the laws made applicable by section 102
19 and by Board decisions under this Act.

20 **SEC. 406. APPEAL TO THE BOARD.**

21 (a) **IN GENERAL.**—Any party aggrieved by the deci-
22 sion of a hearing officer under section 405(g) may file a
23 petition for review by the Board not later than 30 days
24 after entry of the decision in the records of the Office.

1 (b) PARTIES' OPPORTUNITY TO SUBMIT ARGU-
2 MENT.—The parties to the hearing upon which the deci-
3 sion of the hearing officer was made shall have a reason-
4 able opportunity to be heard, through written submission
5 and, in the discretion of the Board, through oral argu-
6 ment.

7 (c) STANDARD OF REVIEW.—The Board shall set
8 aside a decision of a hearing officer if the Board deter-
9 mines that the decision was—

10 (1) arbitrary, capricious, an abuse of discretion,
11 or otherwise not consistent with law;

12 (2) not made consistent with required proce-
13 dures; or

14 (3) unsupported by substantial evidence.

15 (d) RECORD.—In making determinations under sub-
16 section (c), the Board shall review the whole record, or
17 those parts of it cited by a party, and due account shall
18 be taken of the rule of prejudicial error.

19 (e) DECISION.—The Board shall issue a written deci-
20 sion setting forth the reasons for its decision. The decision
21 may affirm, reverse, or remand to the hearing officer for
22 further proceedings. A decision that does not require fur-
23 ther proceedings before a hearing officer shall be entered
24 in the records of the Office as a final decision.

1 **SEC. 407. JUDICIAL REVIEW OF BOARD DECISIONS AND EN-**
2 **FORCEMENT.**

3 (a) JURISDICTION.—

4 (1) JUDICIAL REVIEW.—The United States
5 Court of Appeals for the Federal Circuit shall have
6 jurisdiction over any proceeding commenced by a pe-
7 tition of—

8 (A) a party aggrieved by a final decision of
9 the Board under section 406(e) in cases arising
10 under part A of title II,

11 (B) a charging individual or a respondent
12 before the Board who files a petition under sec-
13 tion 210(d)(4),

14 (C) the General Counsel or a respondent
15 before the Board who files a petition under sec-
16 tion 215(c)(5), or

17 (D) the General Counsel or a respondent
18 before the Board who files a petition under sec-
19 tion 220(c)(3).

20 The court of appeals shall have exclusive jurisdiction
21 to set aside, suspend (in whole or in part), to deter-
22 mine the validity of, or otherwise review the decision
23 of the Board.

24 (2) ENFORCEMENT.—The United States Court
25 of Appeals for the Federal Circuit shall have juris-
26 diction over any petition of the General Counsel,

1 filed in the name of the Office and at the direction
2 of the Board, to enforce a final decision under sec-
3 tion 405(g) or 406(e) with respect to a violation of
4 part A, B, C, or D of title II.

5 (b) PROCEDURES.—

6 (1) RESPONDENTS.—(A) In any proceeding
7 commenced by a petition filed under subsection
8 (a)(1) (A) or (B), or filed by a party other than the
9 General Counsel under subsection (a)(1) (C) or (D),
10 the Office shall be named respondent and any party
11 before the Board may be named respondent by filing
12 a notice of election with the court within 30 days
13 after service of the petition.

14 (B) In any proceeding commenced by a petition
15 filed by the General Counsel under subsection (a)(1)
16 (C) or (D), the prevailing party in the final decision
17 entered under section 406(e) shall be named re-
18 spondent, and any other party before the Board may
19 be named respondent by filing a notice of election
20 with the court within 30 days after service of the pe-
21 tition.

22 (C) In any proceeding commenced by a petition
23 filed under subsection (a)(2), the party under sec-
24 tion 405 or 406 that the General Counsel deter-
25 mines has failed to comply with a final decision

1 under section 405(g) or 406(e) shall be named re-
2 spondent.

3 (2) INTERVENTION.—Any party that partici-
4 pated in the proceedings before the Board under sec-
5 tion 406 and that was not made respondent under
6 paragraph (1) may intervene as of right.

7 (c) LAW APPLICABLE.—Chapter 158 of title 28,
8 United States Code, shall apply to judicial review under
9 paragraph (1) of subsection (a), except that—

10 (1) with respect to section 2344 of title 28,
11 United States Code, service of a petition in any pro-
12 ceeding in which the Office is a respondent shall be
13 on the General Counsel rather than on the Attorney
14 General;

15 (2) the provisions of section 2348 of title 28,
16 United States Code, on the authority of the Attorney
17 General, shall not apply;

18 (3) the petition for review shall be filed not
19 later than 90 days after the entry in the Office of
20 a final decision under section 406(e); and

21 (4) the Office shall be an “agency” as that
22 term is used in chapter 158 of title 28, United
23 States Code.

24 (d) STANDARD OF REVIEW.—To the extent necessary
25 for decision in a proceeding commenced under subsection

1 (a)(1) and when presented, the court shall decide all rel-
2 evant questions of law and interpret constitutional and
3 statutory provisions. The court shall set aside a final deci-
4 sion of the Board if it is determined that the decision
5 was—

6 (1) arbitrary, capricious, an abuse of discretion,
7 or otherwise not consistent with law;

8 (2) not made consistent with required proce-
9 dures; or

10 (3) unsupported by substantial evidence.

11 (e) RECORD.—In making determinations under sub-
12 section (d), the court shall review the whole record, or
13 those parts of it cited by a party, and due account shall
14 be taken of the rule of prejudicial error.

15 **SEC. 408. CIVIL ACTION.**

16 (a) JURISDICTION.—The district courts of the United
17 States shall have jurisdiction over any civil action com-
18 menced under this section by a covered employee who has
19 completed counseling under section 402 and mediation
20 under section 403. A civil action may be commenced by
21 a covered employee only to seek redress for a violation for
22 which the employee has completed counseling and medi-
23 ation.

1 (b) PARTIES.—The defendant shall be the employing
2 office alleged to have committed the violation, or in which
3 the violation is alleged to have occurred.

4 (c) JURY TRIAL.—Any party may demand a jury trial
5 where a jury trial would be available in an action against
6 a private defendant under the relevant law made applica-
7 ble by this Act. In any case in which a violation of section
8 201 is alleged, the court shall not inform the jury of the
9 maximum amount of compensatory damages available
10 under section 201(b)(1) or 201(b)(3).

11 **SEC. 409. JUDICIAL REVIEW OF REGULATIONS.**

12 In any proceeding brought under section 407 or 408
13 in which the application of a regulation issued under this
14 Act is at issue, the court may review the validity of the
15 regulation in accordance with the provisions of subpara-
16 graphs (A) through (D) of section 706(2) of title 5, United
17 States Code, except that with respect to regulations ap-
18 proved by a joint resolution under section 304(c), only the
19 provisions of section 706(2)(B) of title 5, United States
20 Code, shall apply. If the court determines that the regula-
21 tion is invalid, the court may apply, to the extent nec-
22 essary and appropriate, the most relevant substantive ex-
23 ecutive agency regulation promulgated to implement the
24 statutory provisions with respect to which the invalid regu-
25 lation was issued. Except as provided in this section, the

1 validity of regulations issued under this Act is not subject
2 to judicial review.

3 **SEC. 410. OTHER JUDICIAL REVIEW PROHIBITED.**

4 Except as expressly authorized by sections 407, 408,
5 and 409, the compliance or noncompliance with the provi-
6 sions of this Act and any action taken pursuant to this
7 Act shall not be subject to judicial review.

8 **SEC. 411. EFFECT OF FAILURE TO ISSUE REGULATIONS.**

9 In any proceeding under section 405, 406, 407, or
10 408, except a proceeding to enforce section 220 with re-
11 spect to offices listed under section 220(d)(2), if the Board
12 has not issued a regulation on a matter for which this
13 Act requires a regulation to be issued, the hearing officer,
14 Board, or court, as the case may be, may apply, to the
15 extent necessary and appropriate, the most relevant sub-
16 stantive executive agency regulation promulgated to imple-
17 ment the statutory provision at issue in the proceeding.

18 **SEC. 412. EXPEDITED REVIEW OF CERTAIN APPEALS.**

19 (a) IN GENERAL.—An appeal may be taken directly
20 to the Supreme Court of the United States from any inter-
21 locutory or final judgment, decree, or order of a court
22 upon the constitutionality of any provision of this Act.

23 (b) JURISDICTION.—The Supreme Court shall, if it
24 has not previously ruled on the question, accept jurisdic-
25 tion over the appeal referred to in paragraph (1), advance

1 the appeal on the docket, and expedite the appeal to the
2 greatest extent possible.

3 **SEC. 413. PRIVILEGES AND IMMUNITIES.**

4 The authorization to bring judicial proceedings under
5 sections 407 and 408 shall not constitute a waiver of sov-
6 ereign immunity for any other purpose, or of the privileges
7 of any Senator or Member of the House of Representatives
8 under article I, section 6, clause 1, of the Constitution,
9 or a waiver of any power of either the Senate or the House
10 of Representatives under the Constitution, including under
11 article I, section 5, clause 3, or under the rules of either
12 House relating to records and information within its juris-
13 diction.

14 **SEC. 414. SETTLEMENT OF COMPLAINTS.**

15 Any settlement entered into by the parties to a proc-
16 ess described in section 210, 215, 220, or 401 shall be
17 in writing and not become effective unless it is approved
18 by the Executive Director. Nothing in this Act shall affect
19 the power of the Senate and the House of Representatives,
20 respectively, to establish rules governing the process by
21 which a settlement may be entered into by such House
22 or by any employing office of such House.

23 **SEC. 415. PAYMENTS.**

24 (a) AWARDS AND SETTLEMENTS.—Except as pro-
25 vided in subsection (c), only funds which are appropriated

1 to an account of the Office in the Treasury of the United
2 States for the payment of awards and settlements may
3 be used for the payment of awards and settlements under
4 this Act. There are authorized to be appropriated for such
5 account such sums as may be necessary to pay such
6 awards and settlements. Funds in the account are not
7 available for awards and settlements involving the General
8 Accounting Office, the Government Printing Office, or the
9 Library of Congress.

10 (b) COMPLIANCE.—Except as provided in subsection
11 (c), there are authorized to be appropriated such sums as
12 may be necessary for administrative, personnel, and simi-
13 lar expenses of employing offices which are needed to com-
14 ply with this Act.

15 (c) OSHA, ACCOMMODATION, AND ACCESS REQUIRE-
16 MENTS.—Funds to correct violations of section 201(a)(3),
17 210, or 215 of this Act may be paid only from funds ap-
18 propriated to the employing office or entity responsible for
19 correcting such violations. There are authorized to be ap-
20 propriated such sums as may be necessary for such funds.

21 **SEC. 416. CONFIDENTIALITY.**

22 (a) COUNSELING.—All counseling shall be strictly
23 confidential, except that the Office and a covered employee
24 may agree to notify the employing office of the allegations.

1 (b) MEDIATION.—All mediation shall be strictly con-
2 fidential.

3 (c) HEARINGS AND DELIBERATIONS.—Except as
4 provided in subsections (d) and (e), the hearings and de-
5 liberations of hearing officers and of the Board and of its
6 officers and employees on complaints, charges, proposed
7 citations, and other pleadings under this Act shall be con-
8 fidential.

9 (d) RELEASE OF RECORDS FOR JUDICIAL ACTION.—
10 The records of hearing officers and the Board may be
11 made public if required for the purpose of judicial review
12 under section 407.

13 (e) ACCESS BY COMMITTEES OF CONGRESS.—At the
14 discretion of the Executive Director, the Executive Direc-
15 tor may provide to the Committee on Standards of Official
16 Conduct of the House of Representatives and the Select
17 Committee on Ethics of the Senate access to the records
18 of the hearings and decisions of the hearing officers and
19 the Board, including all written and oral testimony in the
20 possession of the Office. The Executive Director shall not
21 provide such access until the Executive Director has con-
22 sulted with the individual filing the complaint at issue, and
23 until a final decision has been entered under section
24 405(g) or 406(e).

1 (f) FINAL DECISIONS.—A final decision entered
 2 under section 405(g) or 406(e) shall be made public if it
 3 is in favor of the complaining covered employee, or in favor
 4 of the charging party under section 210, or if the decision
 5 reverses a decision of a hearing officer which had been
 6 in favor of the covered employee or charging party. The
 7 Board may make public any other decision at its discre-
 8 tion.

9 **TITLE V—MISCELLANEOUS** 10 **PROVISIONS**

11 **SEC. 501. EXERCISE OF RULEMAKING POWERS.**

12 The provisions of sections 102(b)(2) and 304(c) are
 13 enacted—

14 (1) as an exercise of the rulemaking power of
 15 the House of Representatives and the Senate, re-
 16 spectively, and as such they shall be considered as
 17 part of the rules of such House, respectively, and
 18 such rules shall supersede other rules only to the ex-
 19 tent that they are inconsistent therewith; and

20 (2) with full recognition of the constitutional
 21 right of either House to change such rules (so far
 22 as relating to such House) at any time, in the same
 23 manner, and to the same extent as in the case of
 24 any other rule of each House.

1 **SEC. 502. POLITICAL AFFILIATION AND PLACE OF RESI-**
2 **DENCE.**

3 (a) IN GENERAL.—It shall not be a violation of any
4 provision of section 201 to consider the—

5 (1) party affiliation;

6 (2) domicile; or

7 (3) political compatibility with the employing
8 office;

9 of an employee referred to in subsection (b) with respect
10 to employment decisions.

11 (b) DEFINITION.—For purposes of subsection (a),
12 the term “employee” means—

13 (1) an employee on the staff of the leadership
14 of the House of Representatives or the leadership of
15 the Senate;

16 (2) an employee on the staff of a committee or
17 subcommittee of—

18 (A) the House of Representatives;

19 (B) the Senate; or

20 (C) a joint committee of the Congress;

21 (3) an employee on the staff of a Member of
22 the House of Representatives or on the staff of a
23 Senator;

24 (4) an officer of the House of Representatives
25 or the Senate or a congressional employee who is
26 elected by the House of Representatives or Senate or

1 is appointed by a Member of the House of Rep-
2 resentatives or by a Senator (in addition an em-
3 ployee described in paragraph (1), (2), or (3)); or
4 (5) an applicant for a position that is to be oc-
5 cupied by an individual described in any of para-
6 graphs (1) through (4).

7 **SEC. 503. NONDISCRIMINATION RULES OF THE HOUSE AND**
8 **SENATE.**

9 The Select Committee on Ethics of the Senate and
10 the Committee on Standards of Official Conduct of the
11 House of Representatives retain full power, in accordance
12 with the authority provided to them by the Senate and
13 the House, with respect to the discipline of Members, offi-
14 cers, and employees for violating rules of the Senate and
15 the House on nondiscrimination in employment.

16 **SEC. 504. TECHNICAL AND CONFORMING AMENDMENTS.**

17 (a) CIVIL RIGHTS REMEDIES.—

18 (1) Sections 301 and 302 of the Government
19 Employee Rights Act of 1991 (2 U.S.C. 1201 and
20 1202) are amended to read as follows:

21 **“SEC. 301. GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991.**

22 **“(a) SHORT TITLE.—**This title may be cited as the
23 **‘Government Employee Rights Act of 1991’.**

24 **“(b) PURPOSE.—**The purpose of this title is to pro-
25 vide procedures to protect the rights of certain government

1 employees, with respect to their public employment, to be
 2 free of discrimination on the basis of race, color, religion,
 3 sex, national origin, age, or disability.

4 “(c) DEFINITION.—For purposes of this title, the
 5 term ‘violation’ means a practice that violates section
 6 302(a) of this title.

7 **“SEC. 302. DISCRIMINATORY PRACTICES PROHIBITED.**

8 “(a) PRACTICES.—All personnel actions affecting the
 9 Presidential appointees described in section 303 or the
 10 State employees described in section 304 shall be made
 11 free from any discrimination based on—

12 “(1) race, color, religion, sex, or national origin,
 13 within the meaning of section 717 of the Civil
 14 Rights Act of 1964 (42 U.S.C. 2000e–16);

15 “(2) age, within the meaning of section 15 of
 16 the Age Discrimination in Employment Act of 1967
 17 (29 U.S.C. 633a); or

18 “(3) disability, within the meaning of section
 19 501 of the Rehabilitation Act of 1973 (29 U.S.C.
 20 791) and sections 102 through 104 of the Americans
 21 with Disabilities Act of 1990 (42 U.S.C. 12112–14).

22 “(b) REMEDIES.—The remedies referred to in sec-
 23 tions 303(a)(1) and 304(a)—

24 “(1) may include, in the case of a determina-
 25 tion that a violation of subsection (a)(1) or (a)(3)

1 has occurred, such remedies as would be appropriate
2 if awarded under sections 706(g), 706(k), and
3 717(d) of the Civil Rights Act of 1964 (42 U.S.C.
4 2000e–5(g), 2000e–5(k), 2000e–16(d)), and such
5 compensatory damages as would be appropriate if
6 awarded under section 1977 or sections 1977A(a)
7 and 1977A(b)(2) of the Revised Statutes (42 U.S.C.
8 1981 and 1981a(a) and (b)(2));

9 “(2) may include, in the case of a determina-
10 tion that a violation of subsection (a)(2) has oc-
11 curred, such remedies as would be appropriate if
12 awarded under section 15(c) of the Age Discrimina-
13 tion in Employment Act of 1967 (29 U.S.C.
14 633a(c)); and

15 “(3) may not include punitive damages.”.

16 (2) Sections 303 through 319, and sections
17 322, 324, and 325 of the Government Employee
18 Rights Act of 1991 (2 U.S.C. 1203–1218, 1221,
19 1223, and 1224) are repealed, except as provided in
20 section 506 of this Act.

21 (3) Sections 320 and 321 of the Government
22 Employee Rights Act of 1991 (2 U.S.C. 1219 and
23 1220) are redesignated as sections 303 and 304, re-
24 spectively.

1 (4) Sections 303 and 304 of the Government
2 Employee Rights Act of 1991, as so redesignated,
3 are each amended by striking “and 307(h) of this
4 title”.

5 (5) Section 1205 of the Supplemental Appro-
6 priations Act of 1993 (2 U.S.C. 1207a) is repealed,
7 except as provided in section 506 of this Act.

8 (b) FAMILY AND MEDICAL LEAVE ACT OF 1993.—
9 Title V of the Family and Medical Leave Act of 1993 (2
10 U.S.C. 60m et seq.) is repealed, except as provided in sec-
11 tion 506 of this Act.

12 (c) ARCHITECT OF THE CAPITOL.—

13 (1) REPEAL.—Section 312(e) of the Architect
14 of the Capitol Human Resources Act (Public Law
15 103–283; 108 Stat. 1444) is repealed, except as pro-
16 vided in section 506 of this Act.

17 (2) APPLICATION OF GENERAL ACCOUNTING
18 OFFICE PERSONNEL ACT OF 1980.—The provisions of
19 sections 751, 753, and 755 of title 31, United States
20 Code, amended by section 312(e) of the Architect of
21 the Capitol Human Resources Act, shall be applied
22 and administered as if such section 312(e) (and the
23 amendments made by such section) had not been
24 enacted.

1 **SEC. 505. JUDICIAL BRANCH COVERAGE STUDY.**

2 The Judicial Conference of the United States shall
3 prepare a report for submission by the Chief Justice of
4 the United States to the Congress on the application to
5 the judicial branch of the Federal Government of—

6 (1) the Fair Labor Standards Act of 1938 (29
7 U.S.C. 201 et seq.);

8 (2) title VII of the Civil Rights Act of 1964 (42
9 U.S.C. 2000e et seq.);

10 (3) the Americans with Disabilities Act of 1990
11 (42 U.S.C. 12101 et seq.);

12 (4) the Age Discrimination in Employment Act
13 of 1967 (29 U.S.C. 621 et seq.);

14 (5) the Family and Medical Leave Act of 1993
15 (29 U.S.C. 2611 et seq.);

16 (6) the Occupational Safety and Health Act of
17 1970 (29 U.S.C. 651 et seq.);

18 (7) chapter 71 (relating to Federal service
19 labor-management relations) of title 5, United
20 States Code;

21 (8) the Employee Polygraph Protection Act of
22 1988 (29 U.S.C. 2001 et seq.);

23 (9) the Worker Adjustment and Retraining No-
24 tification Act (29 U.S.C. 2101 et seq.);

25 (10) the Rehabilitation Act of 1973 (29 U.S.C.
26 701 et seq.); and

1 (11) chapter 43 (relating to veterans' employ-
2 ment and reemployment) of title 38, United States
3 Code.

4 The report shall be submitted to Congress not later than
5 December 31, 1996, and shall include any recommenda-
6 tions the Judicial Conference may have for legislation to
7 provide to employees of the judicial branch the rights, pro-
8 tections, and procedures under the listed laws, including
9 administrative and judicial relief, that are comparable to
10 those available to employees of the legislative branch
11 under titles I through IV of this Act.

12 **SEC. 506. SAVINGS PROVISIONS.**

13 (a) TRANSITION PROVISIONS FOR EMPLOYEES OF
14 THE HOUSE OF REPRESENTATIVES AND OF THE SEN-
15 ATE.—

16 (1) CLAIMS ARISING BEFORE EFFECTIVE
17 DATE.—If, as of the date on which section 201 takes
18 effect, an employee of the Senate or the House of
19 Representatives has or could have requested counsel-
20 ing under section 305 of the Government Employees
21 Rights Act of 1991 (2 U.S.C. 1205) or Rule LI of
22 the House of Representatives, including counseling
23 for alleged violations of family and medical leave
24 rights under title V of the Family and Medical
25 Leave Act of 1993, the employee may complete, or

1 initiate and complete, all procedures under the Gov-
2 ernment Employees Rights Act of 1991 and Rule
3 LI, and the provisions of that Act and Rule shall re-
4 main in effect with respect to, and provide the exclu-
5 sive procedures for, those claims until the completion
6 of all such procedures.

7 (2) CLAIMS ARISING BETWEEN EFFECTIVE
8 DATE AND OPENING OF OFFICE.—If a claim by an
9 employee of the Senate or House of Representatives
10 arises under section 201 or 202 after the effective
11 date of such sections, but before the opening of the
12 Office for receipt of requests for counseling or medi-
13 ation under sections 402 and 403, the provisions of
14 the Government Employees Rights Act of 1991 (2
15 U.S.C. 1201 et seq.) and Rule LI of the House of
16 Representatives relating to counseling and mediation
17 shall remain in effect, and the employee may com-
18 plete under that Act or Rule the requirements for
19 counseling and mediation under sections 402 and
20 403. If, after counseling and mediation is completed,
21 the Office has not yet opened for the filing of a
22 timely complaint under section 405, the employee
23 may elect—

24 (A) to file a complaint under section 307
25 of the Government Employees Rights Act of

1 1991 (2 U.S.C. 1207) or Rule LI of the House
2 of Representatives, and thereafter proceed ex-
3 clusively under that Act or Rule, the provisions
4 of which shall remain in effect until the comple-
5 tion of all proceedings in relation to the com-
6 plaint, or

7 (B) to commence a civil action under sec-
8 tion 408.

9 (3) SECTION 1205 OF THE SUPPLEMENTAL AP-
10 PROPRIATIONS ACT OF 1993.—With respect to pay-
11 ments of awards and settlements relating to Senate
12 employees under paragraph (1) of this subsection,
13 section 1205 of the Supplemental Appropriations
14 Act of 1993 (2 U.S.C. 1207a) remains in effect.

15 (b) TRANSITION PROVISIONS FOR EMPLOYEES OF
16 THE ARCHITECT OF THE CAPITOL.—

17 (1) CLAIMS ARISING BEFORE EFFECTIVE
18 DATE.—If, as of the date on which section 201 takes
19 effect, an employee of the Architect of the Capitol
20 has or could have filed a charge or complaint regard-
21 ing an alleged violation of section 312(e)(2) of the
22 Architect of the Capitol Human Resources Act
23 (Public Law 103–283), the employee may complete,
24 or initiate and complete, all procedures under section
25 312(e) of that Act, the provisions of which shall re-

1 main in effect with respect to, and provide the exclu-
2 sive procedures for, that claim until the completion
3 of all such procedures.

4 (2) CLAIMS ARISING BETWEEN EFFECTIVE
5 DATE AND OPENING OF OFFICE.—If a claim by an
6 employee of the Architect of the Capitol arises under
7 section 201 or 202 after the effective date of those
8 provisions, but before the opening of the Office for
9 receipt of requests for counseling or mediation under
10 sections 402 and 403, the employee may satisfy the
11 requirements for counseling and mediation by ex-
12 hausting the requirements prescribed by the Archi-
13 tect of the Capitol in accordance with section
14 312(e)(3) of the Architect of the Capitol Human Re-
15 sources Act (Public Law 103–283). If, after exhaus-
16 tion of those requirements the Office has not yet
17 opened for the filing of a timely complaint under
18 section 405, the employee may elect—

19 (A) to file a charge with the General Ac-
20 counting Office Personnel Appeals Board pur-
21 suant to section 312(e)(3) of the Architect of
22 the Capitol Human Resources Act (Public Law
23 103–283), and thereafter proceed exclusively
24 under section 312(e) of that Act, the provisions
25 of which shall remain in effect until the comple-

1 tion of all proceedings in relation to the charge,
2 or

3 (B) to commence a civil action under sec-
4 tion 408.

5 (c) TRANSITION PROVISION RELATING TO MATTERS
6 OTHER THAN EMPLOYMENT UNDER SECTION 509 OF
7 THE AMERICANS WITH DISABILITIES ACT.—With respect
8 to matters other than employment under section 509 of
9 the Americans with Disabilities Act (42 U.S.C. 12209),
10 the rights, protections, remedies, and procedures of sec-
11 tion 509 of such Act shall remain in effect until section
12 210 of this Act takes effect with respect to each of the
13 entities covered by section 509 of such Act.

14 **SEC. 507. SEVERABILITY.**

15 If any provision of this Act or the application of such
16 provision to any person or circumstance is held to be in-
17 valid, the remainder of this Act and the application of the
18 provisions of the remainder to any person or circumstance
19 shall not be affected thereby.

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S 2 PCS—2

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