

112TH CONGRESS  
2D SESSION

# H. R. 4106

To permit employees to request, and to ensure employers consider requests for, flexible work terms and conditions, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 29, 2012

Mrs. MALONEY (for herself, Mr. LEWIS of Georgia, Mr. GEORGE MILLER of California, and Mr. SERRANO) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on Oversight and Government Reform, House Administration, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## A BILL

To permit employees to request, and to ensure employers consider requests for, flexible work terms and conditions, and for other purposes.

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.**

4 This Act may be cited as the “Working Families  
5 Flexibility Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1           (1) Over the last 50 years, the demographics of  
2 the Nation's workforce have undergone significant  
3 changes. As a result of the changes, the modern  
4 workforce has a more diverse set of needs.

5           (2) Over time, increasing numbers of women  
6 have joined the workforce. The Bureau of Labor  
7 Statistics reports that in 1960 women composed 33  
8 percent of employed persons, whereas in 2010 they  
9 were 47 percent of employed persons.

10          (3) Fewer households have at least 1 parent at  
11 home. According to the Bureau of the Census, more  
12 than 70 percent of children are raised in families  
13 that are headed by either a working single parent or  
14 2 working parents. Furthermore, the number of  
15 households with married parents and children, in  
16 which both parents were in the workforce, rose to 66  
17 percent in 2010. The number of single-parent fami-  
18 lies has also increased, almost tripling over the last  
19 50 years, from 5 percent in 1960, to 14 percent in  
20 2010.

21          (4) More households are caring for older rel-  
22 atives. According to the Bureau of the Census, the  
23 average life expectancy for a child born in 2010 is  
24 78.3 years, almost 10 years longer than for a child  
25 born in 1960. The National Alliance for Caregiving

1 found that 57 percent of persons who provide unpaid  
2 care to an adult or to a child with special needs are  
3 employed, with 46 percent working full time and 11  
4 percent working part time.

5 (5) Many jobs are now located outside of city  
6 centers. Low-wage employees in particular have dif-  
7 ficulty reaching jobs through public transportation  
8 during off-peak shifts, such as shifts that start in  
9 the evening or early morning.

10 (6) In response to the needs of the modern  
11 workforce some employers have instituted flexible  
12 work arrangements, which, according to Georgetown  
13 University Law School's Workforce Flexibility 2010  
14 initiative, are voluntary arrangements between em-  
15 ployees and employers that alter the time or place  
16 at which work is conducted, or the amount of work  
17 that is conducted, in order to allow employees to  
18 more easily meet the needs of both work and family  
19 life.

20 (7) The National Study of the Changing Work-  
21 force, published in 2002 by the Families and Work  
22 Institute, found that employees with access to flexi-  
23 ble work arrangements reported less interference be-  
24 tween their job and family life, and fewer mental  
25 health problems.

1           (8) Corporate Voices for Working Families  
2           found that implementing workplace flexibility im-  
3           proves employee satisfaction, morale, and teamwork  
4           as well as employee health, well-being, and resilience,  
5           and helps to reduce stress.

6           (9) Flexible work arrangements have also been  
7           shown to improve the bottom line for businesses.  
8           Corporate Voices for Working Families found that  
9           implementing workplace flexibility improves the bot-  
10          tom line by helping businesses to attract and retain  
11          key talent, increase employee retention and reduce  
12          turnover, reduce overtime and absenteeism, and en-  
13          hance employee productivity, effectiveness, and en-  
14          gagement.

15          (10) The President’s Council of Economic Advi-  
16          sors found that, as more businesses adopt flexibility  
17          practices, the benefits to society, in the form of re-  
18          duced traffic, improved employment outcomes, and  
19          more efficient allocation of employees to employers,  
20          may be greater than the gains to individual busi-  
21          nesses and employees.

22          (11) According to a 2011 Government Account-  
23          ability Office report, a flexible work environment can  
24          increase and enhance employment opportunities for  
25          individuals with disabilities.

1           (12) The Society for Human Resource Manage-  
2           ment believes that the key to getting the best out of  
3           every employee is a flexible work environment.

4           (13) According to the National Partnership for  
5           Women and Families, businesses can retain their  
6           most valuable asset—a trained and committed work-  
7           force—by offering flexible workplace policies.

8 **SEC. 3. DEFINITIONS.**

9           In this Act:

10           (1) ADMINISTRATIVE OFFICER.—The term “ad-  
11           ministrative officer”, used with respect to an em-  
12           ployer or an employee, means the corresponding in-  
13           dividual or entity with authority to issue regulations  
14           under section 13.

15           (2) EMPLOYEE.—The term “employee” means  
16           an individual—

17                   (A) who is—

18                           (i)(I) an employee (including an appli-  
19                           cant), as defined in section 3(e) of the Fair  
20                           Labor Standards Act of 1938 (29 U.S.C.  
21                           203(e)), who is not covered under any of  
22                           clauses (ii) through (v), including such an  
23                           employee of the Library of Congress, ex-  
24                           cept that a reference in such section to an  
25                           employer shall be considered to be a ref-

1           erence to an employer described in clauses  
2           (i)(I) and (ii) of paragraph (3)(A); or

3                   (II) an employee (including an appli-  
4                   cant) of the Government Accountability  
5                   Office;

6                   (ii) a State employee (including an ap-  
7                   plicant) described in section 304(a) of the  
8                   Government Employee Rights Act of 1991  
9                   (42 U.S.C. 2000e–16e(a));

10                  (iii) a covered employee (including an  
11                  applicant), as defined in section 101 of the  
12                  Congressional Accountability Act of 1995  
13                  (2 U.S.C. 1301);

14                  (iv) a covered employee (including an  
15                  applicant), as defined in section 411(c) of  
16                  title 3, United States Code; or

17                  (v) a Federal officer or employee (in-  
18                  cluding an applicant) covered under sub-  
19                  chapter V of chapter 63 of title 5, United  
20                  States Code; and

21                  (B) who works at least 20 hours per week  
22                  or, in the alternative, at least 1,000 hours per  
23                  year.

24                  (3) EMPLOYER.—

1 (A) IN GENERAL.—The term “employer”  
2 means a person who is—

3 (i)(I) a covered employer, as defined  
4 in subparagraph (B), who is not covered  
5 under any of subclauses (II) through (V);

6 (II) an entity employing a State em-  
7 ployee described in section 304(a) of the  
8 Government Employee Rights Act of 1991;

9 (III) an employing office, as defined  
10 in section 101 of the Congressional Ac-  
11 countability Act of 1995;

12 (IV) an employing office, as defined in  
13 section 411(c) of title 3, United States  
14 Code; or

15 (V) an employing agency covered  
16 under subchapter V of chapter 63 of title  
17 5, United States Code; and

18 (ii) is engaged in commerce (including  
19 government), in the production of goods  
20 for commerce, or in an enterprise engaged  
21 in commerce (including government) or in  
22 the production of goods for commerce.

23 (B) COVERED EMPLOYER.—

24 (i) IN GENERAL.—In subparagraph  
25 (A)(i)(I), the term “covered employer”—

1 (I) means any person engaged in  
2 commerce or in any industry or activ-  
3 ity affecting commerce who employs  
4 15 or more employees for each work-  
5 ing day during each of 20 or more  
6 calendar workweeks in the current or  
7 preceding calendar year;

8 (II) includes—

9 (aa) any person who acts,  
10 directly or indirectly, in the inter-  
11 est of such an employer to any of  
12 the employees of such employer;  
13 and

14 (bb) any successor in inter-  
15 est of such an employer; and

16 (III) includes an agency de-  
17 scribed in clause (iii) or (iv) of sub-  
18 paragraph (A) of section 101(4) of  
19 the Family and Medical Leave Act of  
20 1993 (29 U.S.C. 2611(4)), to which  
21 subparagraph (B) of such section  
22 shall apply.

23 (ii) DEFINITIONS.—For purposes of  
24 this subparagraph:



1 (I) COMMERCE.—The terms  
2 “commerce” and “industry or activity  
3 affecting commerce” have the mean-  
4 ings given the terms in section 101 of  
5 such Act (29 U.S.C. 2611).

6 (II) EMPLOYEE; PERSON.—The  
7 terms “employee” and “person” have  
8 the meanings given such terms in sec-  
9 tion 3 of the Fair Labor Standards  
10 Act of 1938 (29 U.S.C. 203).

11 (C) PREDECESSORS.—Any reference in  
12 this paragraph to an employer shall include a  
13 reference to any predecessor of such employer.

14 (4) SECRETARY.—The term “Secretary” means  
15 the Secretary of Labor.

16 (5) SUPERVISOR.—

17 (A) IN GENERAL.—The term “supervisor”  
18 has the meaning given the term in section 152  
19 of the National Labor Relations Act (29 U.S.C.  
20 152).

21 (B) APPLICATION.—For purposes of apply-  
22 ing this paragraph, a reference in such sec-  
23 tion—

1 (i) to an employee shall be considered  
2 to be a reference to an employee, as de-  
3 fined in this section; and

4 (ii) to an employer shall be considered  
5 to be a reference to an employer, as de-  
6 fined in this section.

7 **SEC. 4. STATUTORY RIGHT TO REQUEST FLEXIBLE WORK**  
8 **TERMS AND CONDITIONS.**

9 (a) IN GENERAL.—An employee may apply to the  
10 employee’s employer for a temporary or permanent change  
11 in the employee’s terms or conditions of employment if the  
12 change relates to—

13 (1) the number of hours the employee is re-  
14 quired to work;

15 (2) the times when the employee is required to  
16 work or be on call for work;

17 (3) where the employee is required to work; or

18 (4) the amount of notification the employee re-  
19 ceives of work schedule assignments.

20 (b) CONTENTS.—An application submitted under this  
21 section shall—

22 (1) state that the application is an application  
23 described in subsection (a);

1           (2) specify the change applied for and the date  
2           on which the employee requests that the change be-  
3           come effective; and

4           (3) explain what effect, if any, the employee  
5           thinks the change applied for would have on the em-  
6           ployer and how, in the employee's opinion, any such  
7           effect might be dealt with.

8           (c) SUBMISSIONS.—

9           (1) PERIOD BETWEEN SUBMISSIONS.—If an  
10          employee, who has submitted an application under  
11          this section to an employer, submits a further appli-  
12          cation under this section to the same employer be-  
13          fore the end of the period of 12 months beginning  
14          with the date on which the previous application was  
15          submitted, that further application shall not be cov-  
16          ered by section 5.

17          (2) FORM AND TIMING.—The administrative of-  
18          ficer shall, by regulation issued under section 13,  
19          specify—

20                 (A) the form of applications submitted  
21                 under this section; and

22                 (B) when such an application shall be con-  
23                 sidered to be submitted.

1 **SEC. 5. EMPLOYER'S DUTIES IN RELATION TO APPLICA-**  
2 **TIONS.**

3 (a) **IN GENERAL.**—An employer to whom an em-  
4 ployee submits an application under section 4 shall con-  
5 sider the application, in accordance with regulations  
6 issued under section 13.

7 (b) **REGULATIONS.**—Regulations issued under sub-  
8 section (a)—

9 (1) shall include provisions that provide—

10 (A) that the employer and the employee  
11 shall hold a meeting to discuss such an applica-  
12 tion;

13 (B) that the employer shall give the em-  
14 ployee a written decision regarding the applica-  
15 tion, within a reasonable period after the date  
16 of the meeting;

17 (C) that a decision under subparagraph  
18 (B) to reject the application shall state the  
19 grounds for the decision, including whether  
20 those grounds included—

21 (i) the identifiable cost of the pro-  
22 posed change in a term or condition of em-  
23 ployment requested in the application, in-  
24 cluding the costs of loss of productivity, of  
25 retraining or hiring an employee, or of

1 transferring an employee from 1 facility to  
2 another facility;

3 (ii) the overall financial resources in-  
4 volved;

5 (iii) for an employer with multiple fa-  
6 cilities, the geographic separateness or ad-  
7 ministrative or fiscal relationship of the  
8 staffs at the facilities;

9 (iv) the effect of the change on the  
10 employer's ability to meet customer de-  
11 mand; or

12 (v) another factor specified by the ad-  
13 ministrative officer in regulation;

14 (D) that if the employer rejects the em-  
15 ployee's application, the employer may propose  
16 in writing an alternative change to the employ-  
17 ee's hours, times, place, and amount of notifica-  
18 tion of schedule assignments for work;

19 (E) that if the employee is dissatisfied with  
20 the employer's decision under subparagraph (B)  
21 and the alternative described in subparagraph  
22 (D), and if the employer has another super-  
23 visor, the employee has the right to reconsider-  
24 ation of the decision by such supervisor, and to  
25 receive a decision in writing from the reconsid-

1           eration within a reasonable period, in accord-  
2           ance with procedures specified in regulations  
3           issued under section 13;

4           (F) that the employee shall have a right to  
5           be accompanied at meetings described in sub-  
6           paragraph (A) by a representative of the em-  
7           ployee's choosing with such qualifications as the  
8           regulations shall specify;

9           (G) that if such a representative of the em-  
10          ployee's choosing is not available to attend a  
11          meeting described in subparagraph (A), the  
12          meeting shall be postponed; and

13          (H) for extension of a time limit specified  
14          in the regulations in a case in which the em-  
15          ployer and employee agree, or in such other cir-  
16          cumstances as the regulations may specify; and  
17          (2) may include provisions that provide—

18           (A) that any requirement of the regula-  
19           tions shall not apply in a case in which such an  
20           application is disposed of by agreement or with-  
21           drawn; and

22           (B) for applications to be treated as with-  
23           drawn in specified circumstances.

1 **SEC. 6. PROHIBITED ACTS.**

2 (a) INTERFERENCE WITH RIGHTS.—It shall be un-  
3 lawful for any employer to interfere with, restrain, or deny  
4 the exercise of, or the attempt to exercise, any right pro-  
5 vided under this Act.

6 (b) INTERFERENCE WITH APPLICATION, PRO-  
7 CEEDINGS, OR INQUIRIES.—It shall be unlawful for any  
8 employer to discharge or in any other manner discriminate  
9 against (including retaliating against) any individual be-  
10 cause such individual—

11 (1) has submitted (or attempted to submit) an  
12 application under section 4 or requested (or at-  
13 tempted to request) a reconsideration under section  
14 5;

15 (2) has filed an action, or has instituted or  
16 caused to be instituted any proceeding, under or re-  
17 lated to this Act;

18 (3) has given, or is about to give, any informa-  
19 tion in connection with any inquiry or proceeding re-  
20 lating to any right provided under this Act;

21 (4) has testified, or is about to testify, in any  
22 inquiry or proceeding relating to any right provided  
23 under this Act;

24 (5) has opposed any practice made unlawful by  
25 this Act; or

1           (6) has in any other way exercised or attempted  
2           to exercise any right provided under this Act.

3 **SEC. 7. ENFORCEMENT.**

4           (a) **DEFINITIONS.**—Except as provided in subsection  
5 (d), in this section:

6           (1) **EMPLOYEE.**—The term “employee” means  
7           an employee described in clause (i) or (ii) of section  
8           3(2)(A).

9           (2) **EMPLOYER.**—The term “employer” means  
10          an employer described in subclause (I) or (II) of sec-  
11          tion 3(3)(A)(i).

12          (b) **GENERAL AUTHORITY.**—The provisions of this  
13 Act may be enforced pursuant to the following provisions:

14          (1) **INVESTIGATION AND ASSESSMENT.**—An em-  
15          ployee who is affected by a violation of a right in  
16          section 6 (including a violation relating to a right  
17          provided under section 4 or 5) may make a com-  
18          plaint to the Secretary of Labor, alleging that the  
19          employer involved has violated section 6. The Sec-  
20          retary shall receive, investigate, and attempt to re-  
21          solve such complaints of violations in the same man-  
22          ner as the Secretary receives, investigates, and at-  
23          tempts to resolve complaints of violations of section  
24          6 and 7 of the Fair Labor Standards Act of 1938  
25          (29 U.S.C. 206 and 207), and may issue an order



1 making determinations, and assessing a civil penalty  
2 described in section 8(a)(1) or awarding relief de-  
3 scribed in section 8(a)(2), as appropriate, with re-  
4 spect to such an alleged violation.

5 (2) ADMINISTRATIVE REVIEW.—An affected  
6 person who takes exception to an order issued under  
7 paragraph (1) may request a review of and a deci-  
8 sion regarding such an order by an administrative  
9 law judge, who may hold an administrative hearing  
10 concerning the order under procedures established  
11 by the administrative officer that comply with the  
12 requirements of sections 554, 556, and 557 of title  
13 5, United States Code, and regulations promulgated  
14 by the administrative officer. Such hearing shall be  
15 conducted expeditiously. If no affected person re-  
16 quests such review within 60 days after the order is  
17 issued under paragraph (1), the order shall be  
18 deemed to be a final order that is not subject to ju-  
19 dicial review.

20 (3) ENFORCEMENT.—The amount of any pen-  
21 alty assessed against an employer under this sub-  
22 section, when finally determined, may be—

23 (A) deducted from any sums owed by the  
24 United States to the employer; or

1 (B) recovered in a civil action brought  
2 against the employer by the Secretary, rep-  
3 resented by the Solicitor of Labor (or brought  
4 against the employer by the administrative offi-  
5 cer specified in section 13(a)) in any court of  
6 competent jurisdiction.

7 (4) CIVIL ACTION.—An affected person desiring  
8 review of a decision issued under paragraph (2)  
9 (other than a nonreviewable order) may file a peti-  
10 tion for review in an appropriate Federal court of  
11 appeals.

12 (5) CIVIL ACTION BY THE SECRETARY FOR IN-  
13 JUNCTIVE RELIEF.—The Secretary (or the adminis-  
14 trative officer specified in section 13(a)) may bring  
15 an action for a violation described in paragraph (1)  
16 in a district court of the United States to obtain the  
17 injunctive relief described in section 8(b).

18 (c) OTHER EMPLOYEES.—

19 (1) EMPLOYEES COVERED BY CONGRESSIONAL  
20 ACCOUNTABILITY ACT OF 1995.—Notwithstanding  
21 any other provision of this section or section 8, the  
22 powers, remedies, and procedures provided in the  
23 Congressional Accountability Act of 1995 (2 U.S.C.  
24 1301 et seq.) to the Board (as defined in section  
25 101 of that Act (2 U.S.C. 1301)), or any person, al-

1       leging a violation of section 202(a)(1) of that Act (2  
2       U.S.C. 1312(a)(1)) shall be the powers, remedies,  
3       and procedures this Act provides to that Board, or  
4       any person, alleging an unlawful employment prac-  
5       tice in violation of this Act against an employee de-  
6       scribed in section 3(2)(A)(iii).

7               (2) EMPLOYEES COVERED BY CHAPTER 5 OF  
8       TITLE 3, UNITED STATES CODE.—Notwithstanding  
9       any other provision of this section or section 8, the  
10       powers, remedies, and procedures provided in chap-  
11       ter 5 of title 3, United States Code, to the Presi-  
12       dent, the Merit Systems Protection Board, or any  
13       person, alleging a violation of section 412(a)(1) of  
14       that title, shall be the powers, remedies, and proce-  
15       dures this Act provides to the President, that Board,  
16       or any person, respectively, alleging an unlawful em-  
17       ployment practice in violation of this Act against an  
18       employee described in section 3(2)(A)(iv).

19               (3) EMPLOYEES COVERED BY CHAPTER 63 OF  
20       TITLE 5, UNITED STATES CODE.—Notwithstanding  
21       any other provision of this section or section 8, the  
22       powers, remedies, and procedures provided in title 5,  
23       United States Code, to an employing agency, pro-  
24       vided in chapter 12 of that title to the Merit Sys-  
25       tems Protection Board, or provided in that title to

1 any person, alleging a violation of subchapter V of  
2 chapter 63 of that title, shall be the powers, reme-  
3 dies, and procedures this Act provides to that agen-  
4 cy, that Board, or any person, respectively, alleging  
5 an unlawful employment practice in violation of this  
6 Act against an employee described in section  
7 3(2)(A)(v).

8 **SEC. 8. REMEDIES.**

9 (a) ADMINISTRATIVE PROCEEDINGS AND ACTIONS  
10 FOR REVIEW.—

11 (1) INTERFERENCE WITH EXERCISE OF  
12 RIGHTS.—In an action brought under paragraph (1),  
13 (2), or (4) of section 7(b), an employer who commits  
14 a willful or repeated violation of the provisions of  
15 section 6 (including a violation relating to a right  
16 provided under section 4 or 5) shall be subject to a  
17 civil penalty of not more than \$1,100 for each em-  
18 ployee who was the subject of such a violation.

19 (2) RETALIATION.—In an action brought under  
20 paragraph (1), (2), or (4) of section 7(b), if an em-  
21 ployer violates section 6(b), the employee who is af-  
22 fected by the violation or the Secretary (or the ad-  
23 ministrative officer specified in section 13(a)), as ap-  
24 propriate, may obtain an order awarding such equi-  
25 table relief as may be appropriate, including employ-

1       ment, reinstatement, promotion, back pay, and a  
2       change in the terms or conditions of employment.

3       (b) CIVIL ACTION BY THE SECRETARY FOR INJUNC-  
4 TIVE RELIEF.—In an action brought under section  
5 7(b)(5), the Secretary (or the administrative officer speci-  
6 fied in section 13(a)) may obtain an order—

7           (1) restraining violations of section 6 (including  
8       a violation relating to a right provided under section  
9       4 or 5); or

10          (2) awarding such other equitable relief as may  
11       be appropriate, including employment, reinstatement,  
12       promotion, back pay, and a change in the  
13       terms or conditions of employment.

14 **SEC. 9. NOTICE.**

15       (a) IN GENERAL.—Each employer shall post and  
16       keep posted, in conspicuous places on the premises of the  
17       employer where notices to employees and applicants for  
18       employment are customarily posted, a notice, to be pre-  
19       pared or approved by the Secretary (or the administrative  
20       officer specified in section 13(a)) setting forth excerpts  
21       from, or summaries of, the pertinent provisions of this Act  
22       and information pertaining to the filing of a complaint  
23       under section 7(b).

1 (b) PENALTY.—Any employer that willfully violates  
2 this section may be assessed a civil money penalty not to  
3 exceed \$500 for each separate offense.

4 **SEC. 10. RECORDKEEPING.**

5 Any employer shall make, keep, and preserve records  
6 pertaining to compliance with this Act in accordance with  
7 regulations issued under section 13.

8 **SEC. 11. RESEARCH, EDUCATION, AND TECHNICAL ASSIST-**  
9 **ANCE PROGRAM.**

10 (a) IN GENERAL.—The Secretary (and each adminis-  
11 trative officer specified in section 13(a), as applicable)  
12 shall provide information and technical assistance to em-  
13 ployers, labor organizations, and the general public con-  
14 cerning compliance with this Act.

15 (b) PROGRAM.—In order to achieve the objectives of  
16 this Act—

17 (1) the Secretary, acting through the Adminis-  
18 trator of the Wage and Hour Division of the Depart-  
19 ment of Labor, shall issue guidance on compliance  
20 with the Fair Labor Standards Act of 1938 (29  
21 U.S.C. 201 et seq.) regarding providing a flexible  
22 work environment through changes in employee  
23 terms and conditions of employment as provided in  
24 section 4(a); and

1           (2) the Secretary shall carry on a continuing  
2 program of research, education, and technical assist-  
3 ance, including—

4           (A) conducting and promoting research  
5 with the intent of encouraging flexibility in  
6 work terms and conditions;

7           (B) publishing and otherwise making avail-  
8 able to employers, labor organizations, profes-  
9 sional associations, educational institutions, the  
10 various communication media, and the general  
11 public the findings of studies and other mate-  
12 rials for promoting compliance with this Act;

13           (C) sponsoring and assisting State and  
14 community informational and educational pro-  
15 grams; and

16           (D) providing technical assistance to em-  
17 ployers, labor organizations, professional asso-  
18 ciations, and other interested persons on means  
19 of achieving and maintaining compliance with  
20 the provisions of this Act.

21 **SEC. 12. RIGHTS RETAINED BY EMPLOYEES.**

22           Nothing in this Act shall be considered to diminish  
23 the rights, privileges, or remedies of any employee under  
24 any Federal or State law, or under a collective bargaining  
25 agreement.

1 **SEC. 13. APPLICATION OF PROVISIONS.**

2 Not later than 12 months after the date of enactment  
3 of this Act—

4 (1)(A) except as provided in subparagraph (B),  
5 the Secretary shall issue such regulations as are nec-  
6 essary to carry out this Act (including regulations  
7 described in sections 4(c)(2), 5(a), 5(b)(1)(E), and  
8 7(b)(2)) with respect to employees described in  
9 clause (i) or (ii) of section 3(2)(A); and

10 (B) the Comptroller General of the United  
11 States and the Librarian of Congress shall issue  
12 such regulations as are necessary to carry out this  
13 Act (including regulations described in sections  
14 4(c)(2), 5(a), 5(b)(1)(E), and 7(b)(2)) with respect  
15 to employees of the Government Accountability Of-  
16 fice and the Library of Congress, respectively;

17 (2) the Board of Directors of the Office of  
18 Compliance shall issue (in accordance with section  
19 304 of the Congressional Accountability Act of 1995  
20 (2 U.S.C. 1384)) such regulations as are necessary  
21 to carry out this Act (including regulations described  
22 in sections 4(c)(2), 5(a), 5(b)(1)(E), and 7(b)(2))  
23 with respect to employees described in section  
24 3(2)(A)(iii);

25 (3) the President (or the designee of the Presi-  
26 dent) shall issue such regulations as are necessary to



1 carry out this Act (including regulations described in  
2 sections 4(c)(2), 5(a), 5(b)(1)(E), and 7(b)(2)) with  
3 respect to employees described in section 3(2)(A)(iv);  
4 and

5 (4) the Director of the Office of Personnel  
6 Management shall issue such regulations as are nec-  
7 essary to carry out this Act (including regulations  
8 described in sections 4(c)(2), 5(a), 5(b)(1)(E), and  
9 7(b)(2)) with respect to employees described in sec-  
10 tion 3(2)(A)(v).

11 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated to carry out  
13 this Act such sums as may be necessary for fiscal year  
14 2013 and each subsequent fiscal year.

15 **SEC. 15. EFFECTIVE DATE.**

16 (a) IN GENERAL.—Except as provided in subsection  
17 (b), this Act takes effect on the date of enactment of this  
18 Act.

19 (b) APPLICATION OF NONREGULATORY PROVI-  
20 SIONS.—

21 (1) IN GENERAL.—Except as provided in para-  
22 graph (2), sections 2 through 12 shall apply on the  
23 earlier of—

1           (A) the date that occurs 3 months after  
2           the date on which the Secretary issues regula-  
3           tions under section 13(a)(1)(A); and

4           (B) the date that occurs 15 months after  
5           the date of enactment of this Act.

6           (2) COLLECTIVE BARGAINING AGREEMENTS.—

7           In the case of a collective bargaining agreement in  
8           effect on the application date prescribed by para-  
9           graph (1), sections 2 through 12 shall apply on the  
10          earlier of—

11          (A) the date of the termination of such  
12          agreement; or

13          (B) the date that occurs 12 months after  
14          the date of enactment of this Act.

○