

chapter 23 (§2101 et seq.) of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 2101 of Title 29 and Tables.

The Rehabilitation Act of 1973, referred to in subsec. (a)(10), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355, which is classified generally to chapter 16 (§701 et seq.) of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

The Genetic Information Nondiscrimination Act of 2008, referred to in subsec. (c)(1), is Pub. L. 110-233, May 21, 2008, 122 Stat. 881. Title II of the Act is classified generally to chapter 21F (§2000ff et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000ff of Title 42 and Tables.

AMENDMENTS

2019—Subsec. (a)(12). Pub. L. 116-92 added par. (12).

2018—Subsec. (c). Pub. L. 115-397 added subsec. (c).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2019 AMENDMENT

Subsec. (a)(12) of this section, as added by Pub. L. 116-92, effective 2 years after Dec. 20, 2019, see section 1316b(e) of this title and section 1122(b)(2) of Pub. L. 116-92, set out as a note under section 9202 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-397 effective upon expiration of the 180-day period beginning on Dec. 21, 2018, with provisions for effect on pending proceedings, see section 401 of Pub. L. 115-397, set out as a note under section 1301 of this title.

SUBCHAPTER 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

§ 1311. Rights and protections under title VII of Civil Rights Act of 1964, Age Discrimination in Employment Act of 1967, Rehabilitation Act of 1973, and title I of Americans with Disabilities 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) and sections 102 through 104 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112-12114).

(b) Remedy

(1) Civil rights

The remedy for a violation of subsection (a)(1) shall be—

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

(B) such compensatory damages as would be appropriate if awarded under section 1981 of title 42, or as would be appropriate if awarded under sections 1981a(a)(1), 1981a(b)(2), and, irrespective of the size of the employing office, 1981a(b)(3)(D) of title 42.

(2) Age discrimination

The remedy for a violation of subsection (a)(2) shall be—

(A) such remedy as would be appropriate if awarded under section 15(c) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(c)); and

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

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

(3) Disabilities discrimination

The remedy for a violation of subsection (a)(3) shall be—

(A) such remedy as would be appropriate if awarded under section 505(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 794a(a)(1)) or section 107(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12117(a)); and

(B) such compensatory damages as would be appropriate if awarded under sections 1981a(a)(2), 1981a(a)(3), 1981a(b)(2), and, irrespective of the size of the employing office, 1981a(b)(3)(D) of title 42.

(c) Omitted

(d) Application to unpaid staff

(1) In general

Subsections (a) and (b) shall apply with respect to—

(A) any staff member of an employing office who carries out official duties of the employing office but who is not paid by the employing office for carrying out such duties (referred to in this subsection as an “unpaid staff member”), including an intern, an individual detailed to an employing office, and an individual participating in a fellowship program, in the same manner and to the same extent as such subsections apply with respect to a covered employee; and

(B) a former unpaid staff member, if the act that may be a violation of subsection (a) occurred during the service of the former unpaid staffer for the employing office.

(2) Rule of construction

Nothing in paragraph (1) may be construed to extend liability for a violation of subsection (a) to an employing office on the basis of an action taken by any person who is not under the supervision or control of the employing office.

(3) Intern defined

For purposes of this subsection, the term “intern” means an individual who performs service for an employing office which is uncompensated by the United States to earn credit awarded by an educational institution

or to learn a trade or occupation, and includes any individual participating in a page program operated by any House of Congress.

(e) Effective date

This section shall take effect 1 year after January 23, 1995.

(Pub. L. 104-1, title II, §201, Jan. 23, 1995, 109 Stat. 7; Pub. L. 115-397, title III, §302(a), Dec. 21, 2018, 132 Stat. 5321.)

Editorial Notes

CODIFICATION

Section is comprised of section 201 of Pub. L. 104-1. Subsec. (c) of section 201 of Pub. L. 104-1 amended section 633a of Title 29, Labor, and sections 2000e-16 and 12209 of Title 42, The Public Health and Welfare.

AMENDMENTS

2018—Subsecs. (d), (e). Pub. L. 115-397 added subsec. (d) and redesignated former subsec. (d) as (e).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-397 effective upon expiration of the 180-day period beginning on Dec. 21, 2018, with provisions for effect on pending proceedings, see section 401 of Pub. L. 115-397, set out as a note under section 1301 of this title.

COVERAGE OF HOUSE OF REPRESENTATIVES AND THE AGENCIES OF THE LEGISLATIVE BRANCH

Pub. L. 102-166, title I, §117, Nov. 21, 1991, 105 Stat. 1080, as amended by Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814; Pub. L. 113-235, div. H, title I, §1301(b), Dec. 16, 2014, 128 Stat. 2537, provided that:

“(a) COVERAGE OF THE HOUSE OF REPRESENTATIVES.—

“(1) IN GENERAL.—Notwithstanding any provision of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) or of other law, the purposes of such title shall, subject to paragraph (2), apply in their entirety to the House of Representatives.

“(2) EMPLOYMENT IN THE HOUSE.—

“(A) APPLICATION.—The rights and protections under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) shall, subject to subparagraph (B), apply with respect to any employee in an employment position in the House of Representatives and any employing authority of the House of Representatives.

“(B) ADMINISTRATION.—

“(i) IN GENERAL.—In the administration of this paragraph, the remedies and procedures made applicable pursuant to the resolution described in clause (ii) shall apply exclusively.

“(ii) RESOLUTION.—The resolution referred to in clause (i) is the Fair Employment Practices Resolution (House Resolution 558 of the One Hundredth Congress, as agreed to October 4, 1988), as incorporated into the Rules of the House of Representatives of the One Hundred Second Congress as Rule LI, or any other provision that continues in effect the provisions of such resolution.

“(C) EXERCISE OF RULEMAKING POWER.—The provisions of subparagraph (B) are enacted by the House of Representatives as an exercise of the rulemaking power of the House of Representatives, with full recognition of the right of the House to change its rules, in the same manner, and to the same extent as in the case of any other rule of the House.

“(b) INSTRUMENTALITIES OF CONGRESS.—

“(1) IN GENERAL.—The rights and protections under this title [see Tables for classification] and title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) shall, subject to paragraph (2), apply with respect to the conduct of each instrumentality of the Congress.

“(2) ESTABLISHMENT OF REMEDIES AND PROCEDURES BY INSTRUMENTALITIES.—The chief official of each instrumentality of the Congress shall establish remedies and procedures to be utilized with respect to the rights and protections provided pursuant to paragraph (1). Such remedies and procedures shall apply exclusively, except for the employees who are defined as Senate employees, in [former] section 301(c)(1) [former 42 U.S.C. 2000e-16a(c)(1)].

“(3) REPORT TO CONGRESS.—The chief official of each instrumentality of the Congress shall, after establishing remedies and procedures for purposes of paragraph (2), submit to the Congress a report describing the remedies and procedures.

“(4) DEFINITION OF INSTRUMENTALITIES.—For purposes of this section, instrumentalities of the Congress include the following: the Architect of the Capitol, the Congressional Budget Office, the Government Accountability Office, the Government Publishing Office, the Office of Technology Assessment, and the United States Botanic Garden.

“(5) CONSTRUCTION.—Nothing in this section shall alter the enforcement procedures for individuals protected under section 717 of title VII for [of] the Civil Rights Act of 1964 (42 U.S.C. 2000e-16).” [Section effective Nov. 21, 1991, except as otherwise provided, see section 402(a) of Pub. L. 102-166, set out as an Effective Date of 1991 Amendment note under section 1981 of Title 42, The Public Health and Welfare.]

§ 1312. Rights and protections under Family and Medical Leave Act of 1993

(a) Family and medical leave rights and protections provided

(1) In general

The rights and protections established by sections 101 through 105 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 through 2615) shall apply to covered employees. In applying section 102 of such Act [29 U.S.C. 2612] with respect to leave for an event described in subsection (a)(1)(A) or (B) of such section to covered employees, subsection (d) of this section shall apply. Paragraphs (1) and (4) of section 102(a) of such Act [29 U.S.C. 2612(a)(1), (4)] shall be subject to subsection (d) of this section.

(2) Definitions

For purposes of the application described in paragraph (1)—

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

(B) the term “eligible employee” as used in the Family and Medical Leave Act of 1993 means a covered employee who has been employed in any employing office for 12 months and for at least 1,250 hours of employment during the previous 12 months.

The requirements of subparagraph (B) shall not apply with respect to leave under subparagraph (A) or (B) of section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)).

(b) Remedy

The remedy for a violation of subsection (a) shall be such remedy, including liquidated damages, as would be appropriate if awarded under paragraph (1) of section 107(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2617(a)(1)).

(c) Omitted**(d) Special rule for paid parental leave****(1) Substitution of paid leave**

A covered employee may elect to substitute for any leave without pay under subparagraph (A) or (B) of section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)) any paid leave which is available to such employee for that purpose.

(2) Amount of paid leave

The paid leave that is available to a covered employee for purposes of paragraph (1) is—

(A) the number of weeks of paid parental leave in connection with the birth or placement involved that corresponds to the number of administrative workweeks of paid parental leave available to employees under section 6382(d)(2)(B)(i) of title 5; and

(B) during the 12-month period referred to in section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)) and in addition to the administrative workweeks described in subparagraph (A), any additional paid vacation, personal, family, medical, or accrued sick leave provided by the employing office to such employee.

(3) Limitation

Nothing in this section or section 102(d)(2)(A) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(d)(2)(A)) shall be considered to require or permit an employing office to require that an employee first use all or any portion of the leave described in paragraph (2)(B) before being allowed to use the paid parental leave described in paragraph (2)(A).

(4) Additional rules

Paid parental leave under paragraph (2)(A)—

(A) shall be payable from any appropriation or fund available for salaries or expenses for positions within the employing office;

(B) if not used by the covered employee before the end of the 12-month period (as referred to in section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1))) to which it relates, shall not accumulate for any subsequent use; and

(C) shall apply without regard to the limitations in subparagraph (E), (F), or (G) of section 6382(d)(2) of title 5 or section 104(c)(2) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2614(c)(2)).

(e) Regulations**(1) In general**

The Board shall, pursuant to section 1384 of this title, issue regulations to implement the rights and protections under this section.

(2) Agency regulations

The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modi-

fication of such regulations would be more effective for the implementation of the rights and protections under this section.

(f) Effective date**(1) In general**

Subsections (a) and (b) shall be effective 1 year after January 23, 1995.

(2) Government Accountability Office and Library of Congress

Subsection (c) shall be effective 1 year after transmission to the Congress of the study under section 1371 of this title.

(Pub. L. 104–1, title II, § 202, Jan. 23, 1995, 109 Stat. 9; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814; Pub. L. 116–92, div. F, title LXXXVI, § 7603(a), (b), Dec. 20, 2019, 133 Stat. 2306, 2307; Pub. L. 116–283, div. A, title XI, § 1103(g)(1), Jan. 1, 2021, 134 Stat. 3889.)

Editorial Notes

REFERENCES IN TEXT

The Family and Medical Leave Act of 1993, referred to in subsec. (a)(2), is Pub. L. 103–3, Feb. 5, 1993, 107 Stat. 6, which enacted sections 60m and 60n of this title, sections 6381 to 6387 of Title 5, Government Organization and Employees, and chapter 28 (§ 2601 et seq.) of Title 29, Labor, amended section 2105 of Title 5, and enacted provisions set out as notes under section 2601 of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of Title 29 and Tables.

Subsection (c) of this section, referred to in subsec. (f)(2), amended section 6381 of Title 5, Government Organization and Employees, and sections 2611 and 2617 of Title 29, Labor.

CODIFICATION

Section is comprised of section 202 of Pub. L. 104–1. Subsec. (c) of section 202 of Pub. L. 104–1 amended section 6381 of Title 5, Government Organization and Employees, and sections 2611 and 2617 of Title 29, Labor.

AMENDMENTS

2021—Subsec. (d)(2)(B). Pub. L. 116–283 inserted “accrued” before “sick leave”.

2019—Subsec. (a)(1). Pub. L. 116–92, § 7603(a)(1), inserted at end “In applying section 102 of such Act with respect to leave for an event described in subsection (a)(1)(A) or (B) of such section to covered employees, subsection (d) of this section shall apply. Paragraphs (1) and (4) of section 102(a) of such Act shall be subject to subsection (d) of this section.”

Subsec. (a)(2). Pub. L. 116–92, § 7603(b), which directed insertion of “The requirements of subparagraph (B) shall not apply with respect to leave under subparagraph (A) or (B) of section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)).” at end of par. (2), was executed by inserting sentence as concluding provisions of par. (2) to reflect the probable intent of Congress.

Subsecs. (d) to (f). Pub. L. 116–92, § 7603(a)(2), (3), added subsec. (d) and redesignated former subsecs. (d) and (e) as (e) and (f), respectively.

2004—Subsec. (e)(2). Pub. L. 108–271 substituted “Government Accountability Office” for “General Accounting Office” in heading.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Pub. L. 116–283, div. A, title XI, § 1103(g)(2), Jan. 1, 2021, 134 Stat. 3889, provided that: “The amendment made by this subsection [amending this section] shall

apply with respect to any event for which leave may be taken under subparagraph (A) or (B) of section 102(a)(1) of the Family and Medical Leave Act of 1993 [probably means Family and Medical Leave Act of 1993] (29 U.S.C. 2612(a)(1)) and occurring on or after October 1, 2020.”

EFFECTIVE DATE OF 2019 AMENDMENT

Pub. L. 116-92, div. F, title LXXVI, §7603(c), Dec. 20, 2019, 133 Stat. 2307, provided that: “The amendments made by this section [amending this section] shall not be effective with respect to any birth or placement occurring before October 1, 2020.”

CLARIFICATION FOR MEMBERS OF THE NATIONAL GUARD AND RESERVES: CONGRESSIONAL EMPLOYEES

Pub. L. 116-92, div. F, title LXXVI, §7605(b), Dec. 20, 2019, 133 Stat. 2308, provided that: “For purposes of determining the eligibility of a covered employee (as such term is defined in section 101[(a)](3) of the Congressional Accountability Act [2 U.S.C. 1301(a)(3)]) who is a member of the National Guard or Reserves to take leave under section 102(a) of the Family and Medical Leave Act of 1993 [29 U.S.C. 2612(a)] (pursuant to section 202(a)(1) of the Congressional Accountability Act [2 U.S.C. 1312(a)(1)]), any service by such employee on active duty (as defined in section 101[(a)](14) of the Family and Medical Leave Act of 1993 [2 U.S.C. 1301(a)(14)]) shall be counted as time during which such employee has been employed in an employing office for purposes of section 202(a)(2)(B) of the Congressional Accountability Act [2 U.S.C. 1312(a)(2)(B)].”

§ 1313. Rights and protections under Fair Labor Standards Act of 1938

(a) Fair labor standards

(1) In general

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

(2) Interns

For the purposes of this section, the term “covered employee” does not include an intern as defined in regulations under subsection (c).

(3) Compensatory time

Except as provided in regulations under subsection (c)(3) and in subsection (c)(4), covered employees may not receive compensatory time in lieu of overtime compensation.

(b) Remedy

The remedy for a violation of subsection (a) shall be such remedy, including liquidated damages, as would be appropriate if awarded under section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)).

(c) Regulations to implement section

(1) In general

The Board shall, pursuant to section 1384 of this title, issue regulations to implement this section.

(2) Agency regulations

Except as provided in paragraph (3), the regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) except insofar as the Board may determine, for good cause shown and stated to-

gether with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(3) Irregular work schedules

The Board shall issue regulations for covered employees whose work schedules directly depend on the schedule of the House of Representatives or the Senate that shall be comparable to the provisions in the Fair Labor Standards Act of 1938 [29 U.S.C. 201 et seq.] that apply to employees who have irregular work schedules.

(4) Law enforcement

Law enforcement personnel of the Capitol Police who are subject to the exemption under section 7(k) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(k)) may elect to receive compensatory time off in lieu of overtime compensation for hours worked in excess of the maximum for their work period.

(d) Omitted

(e) Effective date

Subsections (a) and (b) shall be effective 1 year after January 23, 1995.

(Pub. L. 104-1, title II, §203, Jan. 23, 1995, 109 Stat. 10; Pub. L. 104-197, title III, §312, Sept. 16, 1996, 110 Stat. 2415.)

Editorial Notes

REFERENCES IN TEXT

The Fair Labor Standards Act of 1938, referred to in subsec. (c)(3), is act June 25, 1938, ch. 676, 52 Stat. 1060, which is classified generally to chapter 8 (§201 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see section 201 of Title 29 and Tables.

CODIFICATION

Section is comprised of section 203 of Pub. L. 104-1. Subsec. (d) of section 203 of Pub. L. 104-1 amended section 203 of Title 29, Labor.

AMENDMENTS

1996—Subsec. (a)(3). Pub. L. 104-197, §312(a), inserted “and in subsection (c)(4) of this section” after “subsection (c)(3) of this section”.

Subsec. (c)(4). Pub. L. 104-197, §312(b), added par. (4).

Statutory Notes and Related Subsidiaries

APPLICATION OF RIGHTS AND PROTECTIONS OF FAIR LABOR STANDARDS ACT OF 1938 TO CONGRESSIONAL AND ARCHITECT OF THE CAPITOL EMPLOYEES

Pub. L. 101-157, §8, Nov. 17, 1989, 103 Stat. 944, provided that:

“(a) HOUSE EMPLOYEES.—

“(1) IN GENERAL.—Not later than 180 days after the date the minimum wage rate prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is increased pursuant to the amendment made by section 2, the rights and protections under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) shall apply with respect to any employee in an employment position in the House of Representatives and to any employing authority of the House of Representatives.

“(2) ADMINISTRATION.—In the administration of this subsection, the remedies and procedures under the Fair Employment Practices Resolution shall be applied. As used in this paragraph, the term “Fair Em-

ployment Practices Resolution” means House Resolution 558, One Hundredth Congress, agreed to October 4, 1988, as continued in effect by House Resolution 15, One Hundred First Congress, agreed to January 3, 1989.

“(b) ARCHITECT OF THE CAPITOL EMPLOYEES.—Not later than 180 days after the date the minimum wage rate prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is increased pursuant to the amendment made by section 2, the rights and protections under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) shall apply with respect to individuals employed under the Office of the Architect of the Capitol.”

§ 1314. Rights and protections under Employee Polygraph Protection Act of 1988

(a) Polygraph practices prohibited

(1) In general

No employing office, irrespective of whether a covered employee works in that employing office, may require a covered employee to take a lie detector test where such a test would be prohibited if required by an employer under paragraph (1), (2), or (3) of section 3 of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2002(1), (2), or (3)). In addition, the waiver provisions of section 6(d) of such Act (29 U.S.C. 2005(d)) shall apply to covered employees.

(2) Definitions

For purposes of this section, the term “covered employee” shall include employees of the Government Accountability Office and the term “employing office” shall include the Government Accountability Office.

(3) Capitol Police

Nothing in this section shall preclude the Capitol Police from using lie detector tests in accordance with regulations under subsection (c).

(b) Remedy

The remedy for a violation of subsection (a) shall be such remedy as would be appropriate if awarded under section 6(c)(1) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2005(c)(1)).

(c) Regulations to implement section

(1) In general

The Board shall, pursuant to section 1384 of this title, issue regulations to implement this section.

(2) Agency regulations

The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsections (a) and (b) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(d) Effective date

(1) In general

Except as provided in paragraph (2), subsections (a) and (b) shall be effective 1 year after January 23, 1995.

(2) Government Accountability Office and Library of Congress

This section shall be effective with respect to the Government Accountability Office and the Library of Congress 1 year after transmission to the Congress of the study under section 1371 of this title.

(Pub. L. 104-1, title II, § 204, Jan. 23, 1995, 109 Stat. 10; Pub. L. 108-271, § 8(b), July 7, 2004, 118 Stat. 814; Pub. L. 115-141, div. I, title I, § 153(a)(2)(A), Mar. 23, 2018, 132 Stat. 785.)

Editorial Notes

AMENDMENTS

2018—Subsec. (a)(2). Pub. L. 115-141 struck out “and the Library of Congress” after “the Government Accountability Office” in two places.

2004—Subsec. (a)(2). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office” in two places.

Subsec. (d)(2). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office” in heading and text.

§ 1315. Rights and protections under Worker Adjustment and Retraining Notification Act

(a) Worker adjustment and retraining notification rights

(1) In general

No employing office shall be closed or a mass layoff ordered within the meaning of section 3 of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2102) until the end of a 60-day period after the employing office serves written notice of such prospective closing or layoff to representatives of covered employees or, if there are no representatives, to covered employees.

(2) Definitions

For purposes of this section, the term “covered employee” shall include employees of the Government Accountability Office and the term “employing office” shall include the Government Accountability Office.

(b) Remedy

The remedy for a violation of subsection (a) shall be such remedy as would be appropriate if awarded under paragraphs (1), (2), and (4) of section 5(a) of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2104(a)(1), (2), and (4)).

(c) Regulations to implement section

(1) In general

The Board shall, pursuant to section 1384 of this title, issue regulations to implement this section.

(2) Agency regulations

The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(d) Effective date**(1) In general**

Except as provided in paragraph (2), subsections (a) and (b) shall be effective 1 year after January 23, 1995.

(2) Government Accountability Office and Library of Congress

This section shall be effective with respect to the Government Accountability Office and the Library of Congress 1 year after transmission to the Congress of the study under section 1371 of this title.

(Pub. L. 104–1, title II, § 205, Jan. 23, 1995, 109 Stat. 11; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814; Pub. L. 115–141, div. I, title I, § 153(a)(2)(B), Mar. 23, 2018, 132 Stat. 785.)

Editorial Notes**AMENDMENTS**

2018—Subsec. (a)(2). Pub. L. 115–141 struck out “and the Library of Congress” after “the Government Accountability Office” in two places.

2004—Subsec. (a)(2). Pub. L. 108–271 substituted “Government Accountability Office” for “General Accounting Office” in two places.

Subsec. (d)(2). Pub. L. 108–271 substituted “Government Accountability Office” for “General Accounting Office” in heading and text.

§ 1316. Rights and protections relating to veterans’ employment and reemployment**(a) Employment and reemployment rights of members of uniformed services****(1) In general**

It shall be unlawful for an employing office to—

(A) discriminate, within the meaning of subsections (a) and (b) of section 4311 of title 38, against an eligible employee;

(B) deny to an eligible employee reemployment rights within the meaning of sections 4312 and 4313 of title 38; or

(C) deny to an eligible employee benefits within the meaning of sections 4316, 4317, and 4318 of title 38.

(2) Definitions

For purposes of this section—

(A) the term “eligible employee” means a covered employee performing service in the uniformed services, within the meaning of section 4303(13) of title 38, whose service has not been terminated upon occurrence of any of the events enumerated in section 4304 of title 38,

(B) the term “covered employee” includes employees of the Government Accountability Office, and

(C) the term “employing office” includes the Government Accountability Office.

(b) Remedy

The remedy for a violation of subsection (a) shall be such remedy as would be appropriate if awarded under section 4323(d) of title 38.

(c) Regulations to implement section**(1) In general**

The Board shall, pursuant to section 1384 of this title, issue regulations to implement this section.

(2) Agency regulations

The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(d) Effective date**(1) In general**

Except as provided in paragraph (2), subsections (a) and (b) shall be effective 1 year after January 23, 1995.

(2) Government Accountability Office and Library of Congress

This section shall be effective with respect to the Government Accountability Office and the Library of Congress 1 year after transmission to the Congress of the study under section 1371 of this title.

(Pub. L. 104–1, title II, § 206, Jan. 23, 1995, 109 Stat. 12; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814; Pub. L. 111–275, title VII, § 703(b), Oct. 13, 2010, 124 Stat. 2888; Pub. L. 115–141, div. I, title I, § 153(a)(2)(C), Mar. 23, 2018, 132 Stat. 785.)

Editorial Notes**AMENDMENTS**

2018—Subsec. (a)(2)(B), (C). Pub. L. 115–141 struck out “and the Library of Congress” after “the Government Accountability Office”.

2010—Subsec. (b). Pub. L. 111–275 substituted “under section 4323(d) of title 38” for “under paragraphs (1), (2)(A), and (3) of section 4323(c) of title 38”.

2004—Subsec. (a)(2)(B), (C). Pub. L. 108–271 substituted “Government Accountability Office” for “General Accounting Office”.

Subsec. (d)(2). Pub. L. 108–271 substituted “Government Accountability Office” for “General Accounting Office” in heading and text.

§ 1316a. Legislative branch appointments**(1) Definitions**

For the purposes of this section, the terms “covered employee” and “Board” shall each have the meaning given such term by section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301).

(2) Rights and protections

The rights and protections established under section 2108, sections 3309 through 3312, and subchapter I of chapter 35, of title 5, shall apply to covered employees.

(3) Remedies**(A) In general**

The remedy for a violation of paragraph (2) shall be such remedy as would be appropriate if awarded under applicable provisions of title 5 in the case of a violation of the relevant corresponding provision (referred to in paragraph (2)) of such title.

(B) Procedure

The procedure for consideration of alleged violations of paragraph (2) shall be the same

as apply under section 401 of the Congressional Accountability Act of 1995 [2 U.S.C. 1401] (and the provisions of law referred to therein) in the case of an alleged violation of part A of title II of such Act [2 U.S.C. 1311 et seq.].

(4) Regulations to implement section

(A) In general

The Board shall, pursuant to section 304 of the Congressional Accountability Act of 1995 (2 U.S.C. 1384), issue regulations to implement this section.

(B) Agency regulations

The regulations issued under subparagraph (A) shall be the same as the most relevant substantive regulations (applicable with respect to the executive branch) promulgated to implement the statutory provisions referred to in paragraph (2) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(C) Coordination

The regulations issued under subparagraph (A) shall be consistent with section 225 of the Congressional Accountability Act of 1995 (2 U.S.C. 1361).

(5) Applicability

Notwithstanding any other provision of this section, the term “covered employee” shall not, for purposes of this section, include an employee—

(A) whose appointment is made by the President with the advice and consent of the Senate;

(B) whose appointment is made by a Member of Congress or by a committee or subcommittee of either House of Congress; or

(C) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5).

(6) Effective date

Paragraphs (2) and (3) shall be effective as of the effective date of the regulations under paragraph (4).

(Pub. L. 105–339, §4(c), Oct. 31, 1998, 112 Stat. 3185.)

Editorial Notes

REFERENCES IN TEXT

The Congressional Accountability Act of 1995, referred to in par. (3)(B), is Pub. L. 104–1, Jan. 23, 1995, 109 Stat. 3. Part A (§§201–207) of title II of the Act is classified principally to this part. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of this title and Tables.

CODIFICATION

Section was enacted as part of the Veterans Employment Opportunities Act of 1998, and not as part of the Congressional Accountability Act of 1995 which comprises this chapter.

§ 1316b. Rights and protections relating to criminal history inquiries

(a) Definitions

In this section, the terms “agency”, “criminal history record information”, and “suspension” have the meanings given the terms in section 9201 of title 5, except as otherwise modified by this section.

(b) Restrictions on criminal history inquiries

(1) In general

(A) In general

Except as provided in subparagraph (B), an employee of an employing office may not request that an applicant for employment as a covered employee disclose criminal history record information if the request would be prohibited under section 9202 of title 5 if made by an employee of an agency.

(B) Conditional offer

For purposes of applying that section 9202 under subparagraph (A), a reference in that section 9202 to a conditional offer shall be considered to be an offer of employment as a covered employee that is conditioned upon the results of a criminal history inquiry.

(2) Rules of construction

The provisions of section 9206 of title 5 shall apply to employing offices, consistent with regulations issued under subsection (d).

(c) Remedy

(1) In general

The remedy for a violation of subsection (b)(1) shall be such remedy as would be appropriate if awarded under section 9204 of title 5 if the violation had been committed by an employee of an agency, consistent with regulations issued under subsection (d), except that the reference in that section to a suspension shall be considered to be a suspension with the level of compensation provided for a covered employee who is taking unpaid leave under section 1312 of this title.

(2) Process for obtaining relief

An applicant for employment as a covered employee who alleges a violation of subsection (b)(1) may rely on the provisions of subchapter IV (other than section 1407 or 1408 of this title, or a provision of this subchapter that permits a person to obtain a civil action or judicial review), consistent with regulations issued under subsection (d).

(d) Regulations to implement section

(1) In general

Not later than 18 months after December 20, 2019, the Board shall, pursuant to section 1384 of this title, issue regulations to implement this section.

(2) Parallel with agency regulations

The regulations issued under paragraph (1) shall be the same as substantive regulations issued by the Director of the Office of Personnel Management under section 2(b)(1) of the Fair Chance to Compete for Jobs Act of 2019¹ to implement the statutory provisions

¹ See References in Text note below.

referred to in subsections (a) through (c) except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(e) Effective date

Section 1302(a)(12) of this title and subsections (a) through (c) shall take effect on the date on which section 9202 of title 5 applies with respect to agencies.

(Pub. L. 104–1, title II, §207, as added Pub. L. 116–92, div. A, title XI, §1122(d)(1)(C), Dec. 20, 2019, 133 Stat. 1608.)

Editorial Notes

REFERENCES IN TEXT

This subchapter, referred to in subsec. (c)(2), was in the original “this title”, meaning title II of Pub. L. 104–1, Jan. 23, 1995, 109 Stat. 7, which is classified principally to this subchapter. For complete classification of title II to the Code, see Tables.

Section 2(b)(1) of the Fair Chance to Compete for Jobs Act of 2019, referred to in subsec. (d)(2), probably means section 1122(b)(1) of Pub. L. 116–92, which relates to regulations and is set out as a note under section 9201 of Title 5, Government Organization and Employees. Section 1122 of Pub. L. 116–92 is the second section of the Fair Chance to Compete for Jobs Act of 2019, which was enacted as subtitle B of title XI of Pub. L. 116–92.

PRIOR PROVISIONS

A prior section 207 of Pub. L. 104–1 was renumbered section 208 and is classified to section 1317 of this title.

§ 1317. Prohibition of intimidation or reprisal

(a) In general

It shall be unlawful for an employing office to intimidate, take reprisal against, or otherwise discriminate against, any covered employee because the covered employee has opposed any practice made unlawful by this chapter, or because the covered employee has initiated proceedings, made a charge, or testified, assisted, or participated in any manner in a hearing or other proceeding under this chapter.

(b) Remedy

The remedy available for a violation of subsection (a) shall be such legal or equitable remedy as may be appropriate to redress a violation of subsection (a).

(Pub. L. 104–1, title II, §208, formerly §207, Jan. 23, 1995, 109 Stat. 13; renumbered §208, Pub. L. 116–92, div. A, title XI, §1122(d)(1)(B), Dec. 20, 2019, 133 Stat. 1608.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this Act”, meaning Pub. L. 104–1, Jan. 23, 1995, 109 Stat. 3, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of this title and Tables.

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

§ 1331. Rights and protections under Americans with Disabilities Act of 1990 relating to public services and accommodations; procedures for remedy of violations

(a) Entities subject to this section

The requirements of this section shall apply to—

- (1) each office of the Senate, including each office of a Senator and each committee;
- (2) each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee;
- (3) each joint committee of the Congress;
- (4) the Office of Congressional Accessibility Services;
- (5) the Capitol Police;
- (6) the Congressional Budget Office;
- (7) the Office of the Architect of the Capitol (including the Botanic Garden);
- (8) the Office of the Attending Physician;
- (9) the Office of Congressional Workplace Rights;
- (10) the Office of Technology Assessment; and
- (11) the Library of Congress.

(b) Discrimination in public services and accommodations

(1) Rights and protections

The rights and protections against discrimination in the provision of public services and accommodations established by sections 201 through 230, 302, 303, and 309 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131–12150, 12182, 12183, and 12189) shall apply to the entities listed in subsection (a).

(2) Definitions

For purposes of the application of title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.) under this section, the term “public entity” means any entity listed in subsection (a) that provides public services, programs, or activities.

(c) Remedy

The remedy for a violation of subsection (b) shall be such remedy as would be appropriate if awarded under section 203 or 308(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12133, 12188(a)), except that, with respect to any claim of employment discrimination asserted by any covered employee, the exclusive remedy shall be under section 1311 of this title.

(d) Available procedures

(1) Charge filed with General Counsel

A qualified individual with a disability, as defined in section 201(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131(2)), who alleges a violation of subsection (b) by an entity listed in subsection (a), may file a charge against any entity responsible for correcting the violation with the General Counsel within 180 days of the occurrence of the alleged violation. The General Counsel shall investigate the charge.