

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 2019<sup>1</sup> to implement the statutory provisions

<sup>1</sup> 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.



**(2) Mediation**

If, upon investigation under paragraph (1), the General Counsel believes that a violation of subsection (b) may have occurred and that mediation may be helpful in resolving the dispute, the General Counsel may request, but not participate in, mediation under subsections (b) through (d) of section 1403 of this title between the charging individual and any entity responsible for correcting the alleged violation.

**(3) Complaint, hearing, Board review**

If mediation under paragraph (2) has not succeeded in resolving the dispute, and if the General Counsel believes that a violation of subsection (b) may have occurred, the General Counsel may file with the Office a complaint against any entity responsible for correcting the violation. The complaint shall be submitted to a hearing officer for decision pursuant to subsections (b) through (h) of section 1405 of this title and any person who has filed a charge under paragraph (1) may intervene as of right, with the full rights of a party. The decision of the hearing officer shall be subject to review by the Board pursuant to section 1406 of this title.

**(4) Judicial review**

A charging individual who has intervened under paragraph (3) or any respondent to the complaint, if aggrieved by a final decision of the Board under paragraph (3), may file a petition for review in the United States Court of Appeals for the Federal Circuit, pursuant to section 1407 of this title.

**(5) Compliance date**

If new appropriated funds are necessary to comply with an order requiring correction of a violation of subsection (b), compliance shall take place as soon as possible, but no later than the fiscal year following the end of the fiscal year in which the order requiring correction becomes final and not subject to further review.

**(e) 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 Attorney General and the Secretary of Transportation to implement the statutory provisions referred to in subsection (b) 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.

**(3) Entity responsible for correction**

The regulations issued under paragraph (1) shall include a method of identifying, for purposes of this section and for categories of violations of subsection (b), the entity responsible for correction of a particular violation.

**(f) Periodic inspections; report to Congress; initial study****(1) Periodic inspections**

On a regular basis, and at least once each Congress, the General Counsel shall inspect the facilities of the entities listed in subsection (a) to ensure compliance with subsection (b).

**(2) Report**

On the basis of each periodic inspection, the General Counsel shall, at least once every Congress, prepare and submit a report—

(A) to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Office of the Architect of the Capitol, or other entity responsible,<sup>1</sup> for correcting the violation of this section uncovered by such inspection, and

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

**(3) Initial period for study and corrective action**

The period from January 23, 1995, until December 31, 1996, shall be available to the Office of the Architect of the Capitol and other entities subject to this section to identify any violations of subsection (b), to determine the costs of compliance, and to take any necessary corrective action to abate any violations. The Office shall assist the Office of the Architect of the Capitol and other entities listed in subsection (a) by arranging for inspections and other technical assistance at their request. Prior to July 1, 1996, the General Counsel shall conduct a thorough inspection under paragraph (1) and shall submit the report under paragraph (2) for the One Hundred Fourth Congress.

**(4) Detailed personnel**

The Attorney General, the Secretary of Transportation, and the Architectural and Transportation Barriers Compliance Board may, on request of the Executive Director, detail to the Office such personnel as may be necessary to advise and assist the Office in carrying out its duties under this section.

**(g) Omitted****(h) Election of remedies relating to rights to public services and accommodations for Library visitors****(1) Definition of Library visitor**

In this subsection, the term “Library visitor” means an individual who is eligible to bring a claim for a violation under title II or III of the Americans with Disabilities Act of 1990 [42 U.S.C. 12131 et seq., 12181 et seq.] (other than a violation for which the exclusive remedy is under section 1311 of this title) against the Library of Congress.

<sup>1</sup> So in original. The comma probably should not appear.

**(2) Election of remedies****(A) In general**

A Library visitor who alleges a violation of subsection (b) by the Library of Congress may, subject to subparagraph (B)—

- (i) file a charge against the Library of Congress under subsection (d); or
- (ii) use the remedies and procedures set forth in section 2000e-16 of title 42, as provided under section 510 (other than paragraph (5)) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12209).

**(B) Timing**

A Library visitor that has initiated proceedings under clause (i) or (ii) of subparagraph (A) may elect to change and initiate a proceeding under the other clause—

- (i) in the case of a Library visitor who first filed a charge pursuant to subparagraph (A)(i), before the General Counsel files a complaint under subsection (d)(3); or
- (ii) in the case of a Library visitor who first initiated a proceeding under subparagraph (A)(ii), before the Library visitor requests a hearing under the procedures of the Library of Congress described in such subparagraph.

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

Subsections (b), (c), and (d) shall be effective on January 1, 1997.

**(2) Government Accountability Office, Government Publishing Office, and Library of Congress**

Subsection (g) 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, §210, Jan. 23, 1995, 109 Stat. 13; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814; Pub. L. 110-279, §1(g)(2), July 17, 2008, 122 Stat. 2609; Pub. L. 110-437, title IV, §422(b)(3), Oct. 20, 2008, 122 Stat. 4996; Pub. L. 113-235, div. H, title I, §1301(b), Dec. 16, 2014, 128 Stat. 2537; Pub. L. 115-141, div. I, title I, §153(a)(1)(B), Mar. 23, 2018, 132 Stat. 785; Pub. L. 115-397, title III, §§303(a), (b), 308(b)(8), Dec. 21, 2018, 132 Stat. 5321, 5322, 5326.)

**Editorial Notes****REFERENCES IN TEXT**

The Americans with Disabilities Act of 1990, referred to in subsecs. (b)(2) and (h)(1), is Pub. L. 101-336, July 26, 1990, 104 Stat. 327. Titles II and III of the Act are classified generally to subchapters II (§12131 et seq.) and III (§12181 et seq.), respectively, of chapter 126 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 12101 of Title 42 and Tables.

Subsection (g), referred to in subsec. (i)(2), amended section 12209 of Title 42.

**CODIFICATION**

Section is comprised of section 210 of Pub. L. 104-1. Subsec. (g) of section 210 of Pub. L. 104-1 amended section 12209 of Title 42, The Public Health and Welfare.

**AMENDMENTS**

2018—Subsec. (a)(9). Pub. L. 115-397, §308(b)(8), substituted “Office of Congressional Workplace Rights” for “Office of Compliance”.

Subsec. (a)(11). Pub. L. 115-141 added par. (11).

Subsec. (d)(2). Pub. L. 115-397, §303(b), made technical amendment to reference in original act which appears in text as reference to section 1403 of this title.

Subsecs. (h), (i). Pub. L. 115-397, §303(a), added subsec. (h) and redesignated former subsec. (h) as (i).

2008—Subsec. (a)(4). Pub. L. 110-437 substituted “the Office of Congressional Accessibility Services;” for “the Capitol Guide Service;”.

Subsec. (a)(7). Pub. L. 110-279 substituted “the Botanic Garden” for “the Senate Restaurants and the Botanic Garden”.

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

**Statutory Notes and Related Subsidiaries****CHANGE OF NAME**

“Government Publishing Office” substituted for “Government Printing Office” in heading of subsec. (h)(2) on authority of section 1301(b) of Pub. L. 113-235, set out as a note preceding section 301 of Title 44, Public Printing and Documents.

**EFFECTIVE DATE OF 2018 AMENDMENT**

Pub. L. 115-397, title III, §303(c), Dec. 21, 2018, 132 Stat. 5322, provided that: “The amendments made by subsection (a) [amending this section] shall take effect as if such amendments were included in the enactment of section 153 of the Legislative Branch Appropriations Act, 2018 (Public Law 115-141), and shall apply as specified in section 153(c) of such Act [set out as a note under section 1301 of this title].”

Amendment by section 308(b)(8) of Pub. L. 115-397 effective Dec. 21, 2018, and any reference to the Office of Compliance in any law, rule, regulation, or other official paper in effect as of such date to be considered to refer and apply to the Office of Congressional Workplace Rights, see section 308(d) of Pub. L. 115-397, set out as a note under section 1381 of this title.

Except as otherwise provided, 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.

**EFFECTIVE DATE OF 2008 AMENDMENT**

Amendment by Pub. L. 110-437 effective first day of first pay period (applicable to employees transferred under section 2241 of this title) on or after 30 days after Oct. 20, 2008, see section 422(d) of Pub. L. 110-437, set out as a note under section 1301 of this title.

Amendment by Pub. L. 110-279 effective July 17, 2008, and applicable to remainder of fiscal year in which enacted and each fiscal year thereafter, see section 2051(i) of this title.

**PART C—OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970****§ 1341. Rights and protections under Occupational Safety and Health Act of 1970; procedures for remedy of violations****(a) Occupational safety and health protections****(1) In general**

Each employing office and each covered employee shall comply with the provisions of section 5 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 654).

**(2) Definitions**

For purposes of the application under this section of the Occupational Safety and Health Act of 1970 [29 U.S.C. 651 et seq.]—

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

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

(C) the term “employing office” includes the Government Accountability Office and any entity listed in subsection (a) of section 1331 of this title that is responsible for correcting a violation of this section, irrespective of whether the entity has an employment relationship with any covered employee in any employing office in which such a violation occurs; and

(D) the term “employee” includes employees of the Government Accountability Office.

#### **(b) Remedy**

The remedy for a violation of subsection (a) shall be an order to correct the violation, including such order as would be appropriate if issued under section 13(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 662(a)).

#### **(c) Procedures**

##### **(1) Requests for inspections**

Upon written request of any employing office or covered employee, the General Counsel shall exercise the authorities granted to the Secretary of Labor by subsections (a), (d), (e), and (f) of section 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657(a), (d), (e), and (f)) to inspect and investigate places of employment under the jurisdiction of employing offices.

##### **(2) Citations, notices, and notifications**

For purposes of this section, the General Counsel shall exercise the authorities granted to the Secretary of Labor in sections 9 and 10 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 658 and 659), to issue—

(A) a citation or notice to any employing office responsible for correcting a violation of subsection (a); or

(B) a notification to any employing office that the General Counsel believes has failed to correct a violation for which a citation has been issued within the period permitted for its correction.

##### **(3) Hearings and review**

If after issuing a citation or notification, the General Counsel determines that a violation has not been corrected, the General Counsel may file a complaint with the Office against the employing office named in the citation or notification. The complaint shall be submitted to a hearing officer for decision pursuant to subsections (b) through (h) of section 1405 of this title, subject to review by the Board pursuant to section 1406 of this title.

##### **(4) Variance procedures**

An employing office may request from the Board an order granting a variance from a standard made applicable by this section. For the purposes of this section, the Board shall exercise the authorities granted to the Secretary of Labor in sections 6(b)(6) and 6(d) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)(6) and 655(d)) to act on any employing office’s request for a variance. The Board shall refer the matter to a hearing offi-

cer pursuant to subsections (b) through (h) of section 1405 of this title, subject to review by the Board pursuant to section 1406 of this title.

##### **(5) Judicial review**

The General Counsel or employing office aggrieved by a final decision of the Board under paragraph (3) or (4), may file a petition for review with the United States Court of Appeals for the Federal Circuit pursuant to section 1407 of this title.

##### **(6) Compliance date**

If new appropriated funds are necessary to correct a violation of subsection (a) for which a citation is issued, or to comply with an order requiring correction of such a violation, correction or compliance shall take place as soon as possible, but not later than the end of the fiscal year following the fiscal year in which the citation is issued or the order requiring correction becomes final and not subject to further review.

#### **(d) 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.

##### **(3) Employing office responsible for correction**

The regulations issued under paragraph (1) shall include a method of identifying, for purposes of this section and for different categories of violations of subsection (a), the employing office responsible for correction of a particular violation.

#### **(e) Periodic inspections; report to Congress**

##### **(1) Periodic inspections**

On a regular basis, and at least once each Congress, the General Counsel, exercising the same authorities of the Secretary of Labor as under subsection (c)(1), shall conduct periodic inspections of all facilities of the House of Representatives, the Senate, the Office of Congressional Accessibility Services, the Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Congressional Workplace Rights, the Office of Technology Assessment, the Library of Congress, and the Government Accountability Office to report on compliance with subsection (a).

##### **(2) Report**

On the basis of each periodic inspection, the General Counsel shall prepare and submit a report—

(A) to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Office of the Architect of the Capitol or other employing office responsible for correcting the violation of this section uncovered by such inspection, and

(B) containing the results of the periodic inspection, identifying the employing office responsible for correcting the violation of this section uncovered by such inspection, describing any steps necessary to correct any violation of this section, and assessing any risks to employee health and safety associated with any violation.

### (3) Action after report

If a report identifies any violation of this section, the General Counsel shall issue a citation or notice in accordance with subsection (c)(2)(A).

### (4) Detailed personnel

The Secretary of Labor may, on request of the Executive Director, detail to the Office such personnel as may be necessary to advise and assist the Office in carrying out its duties under this section.

### (f) Initial period for study and corrective action

The period from January 23, 1995, until December 31, 1996, shall be available to the Office of the Architect of the Capitol and other employing offices to identify any violations of subsection (a), to determine the costs of compliance, and to take any necessary corrective action to abate any violations. The Office shall assist the Office of the Architect of the Capitol and other employing offices by arranging for inspections and other technical assistance at their request. Prior to July 1, 1996, the General Counsel shall conduct a thorough inspection under subsection (e)(1) and shall submit the report under subsection (e)(2) for the One Hundred Fourth Congress.

### (g) Effective date

#### (1) In general

Except as provided in paragraph (2), subsections (a), (b), (c), and (e)(3) shall be effective on January 1, 1997.

#### (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, §215, Jan. 23, 1995, 109 Stat. 16; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814; Pub. L. 110-437, title IV, §422(b)(4), Oct. 20, 2008, 122 Stat. 4996; Pub. L. 115-141, div. I, title I, §153(a)(2)(D), Mar. 23, 2018, 132 Stat. 785; Pub. L. 115-397, title III, §308(b)(9), Dec. 21, 2018, 132 Stat. 5326.)

### Editorial Notes

#### REFERENCES IN TEXT

The Occupational Safety and Health Act of 1970, referred to in subsec. (a)(2), is Pub. L. 91-596, Dec. 29, 1970, 84 Stat. 1590, which is classified principally to chapter

15 (§651 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 651 of Title 29 and Tables.

#### AMENDMENTS

2018—Subsec. (a)(2)(C). Pub. L. 115-141, §153(a)(2)(D)(i), struck out “, the Library of Congress,” after “the Government Accountability Office”.

Subsec. (a)(2)(D). Pub. L. 115-141, §153(a)(2)(D)(ii), struck out “and the Library of Congress” after “the Government Accountability Office”.

Subsec. (e)(1). Pub. L. 115-397 substituted “Office of Congressional Workplace Rights” for “Office of Compliance”.

2008—Subsec. (e)(1). Pub. L. 110-437 substituted “the Office of Congressional Accessibility Services,” for “the Capitol Guide Service,”.

2004—Subsecs. (a)(2)(C), (D), (e)(1). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

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

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-397 effective Dec. 21, 2018, and any reference to the Office of Compliance in any law, rule, regulation, or other official paper in effect as of such date to be considered to refer and apply to the Office of Congressional Workplace Rights, see section 308(d) of Pub. L. 115-397, set out as a note under section 1381 of this title.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-437 effective first day of first pay period (applicable to employees transferred under section 2241 of this title) on or after 30 days after Oct. 20, 2008, see section 422(d) of Pub. L. 110-437, set out as a note under section 1301 of this title.

### PART D—LABOR-MANAGEMENT RELATIONS

## § 1351. Application of chapter 71 of title 5 relating to Federal service labor-management relations; procedures for remedy of violations

### (a) Labor-management rights

#### (1) In general

The rights, protections, and responsibilities established under sections 7102, 7106, 7111 through 7117, 7119 through 7122, and 7131 of title 5 shall apply to employing offices and to covered employees and representatives of those employees.

#### (2) Application

For purposes of the application under this section of the sections referred to in paragraph (1), the term “agency” shall be deemed to include an employing office.

#### (3) Definitions

For purposes of this section, the term “covered employee” does not include an employee of the Library of Congress, and the term “employing office” does not include the Library of Congress.

### (b) Remedy

The remedy for a violation of subsection (a) shall be such remedy, including a remedy under section 7118(a)(7) of title 5, as would be appropriate if awarded by the Federal Labor Relations Authority to remedy a violation of any provision made applicable by subsection (a).

**(c) Authorities and procedures for implementation and enforcement**

**(1) General authorities of Board; petitions**

For purposes of this section and except as otherwise provided in this section, the Board shall exercise the authorities of the Federal Labor Relations Authority under sections 7105, 7111, 7112, 7113, 7115, 7117, 7118, and 7122 of title 5 and of the President under section 7103(b) of title 5. For purposes of this section, any petition or other submission that, under chapter 71 of title 5, would be submitted to the Federal Labor Relations Authority shall, if brought under this section, be submitted to the Board. The Board shall refer any matter under this paragraph to a hearing officer for decision pursuant to subsections (b) through (h) of section 1405 of this title, subject to review by the Board pursuant to section 1406 of this title. The Board may direct that the General Counsel carry out the Board's investigative authorities under this paragraph.

**(2) General authorities of the General Counsel; charges of unfair labor practice**

For purposes of this section and except as otherwise provided in this section, the General Counsel shall exercise the authorities of the General Counsel of the Federal Labor Relations Authority under sections 7104 and 7118 of title 5. For purposes of this section, any charge or other submission that, under chapter 71 of title 5, would be submitted to the General Counsel of the Federal Labor Relations Authority shall, if brought under this section, be submitted to the General Counsel. If any person charges an employing office or a labor organization with having engaged in or engaging in an unfair labor practice and makes such charge within 180 days of the occurrence of the alleged unfair labor practice, the General Counsel shall investigate the charge and may file a complaint with the Office. The complaint shall be submitted to a hearing officer for decision pursuant to subsections (b) through (h) of section 1405 of this title, subject to review by the Board pursuant to section 1406 of this title.

**(3) Judicial review**

Except for matters referred to in paragraphs (1) and (2) of section 7123(a) of title 5, the General Counsel or the respondent to the complaint, if aggrieved by a final decision of the Board under paragraph (1) or (2) of this subsection, may file a petition for judicial review in the United States Court of Appeals for the Federal Circuit pursuant to section 1407 of this title.

**(4) Exercise of impasses panel authority; requests**

For purposes of this section and except as otherwise provided in this section, the Board shall exercise the authorities of the Federal Service Impasses Panel under section 7119 of title 5. For purposes of this section, any request that, under chapter 71 of title 5, would be presented to the Federal Service Impasses Panel shall, if made under this section, be presented to the Board. At the request of the

Board, the Executive Director shall appoint a mediator or mediators to perform the functions of the Federal Service Impasses Panel under section 7119 of title 5.

**(d) 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 subsection (e), the regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Federal Labor Relations Authority to implement the statutory provisions referred to in subsection (a) except—

(A) 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; or

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

**(e) Specific regulations regarding application to certain offices of Congress**

**(1) Regulations required**

The Board shall issue regulations pursuant to section 1384 of this title on the manner and extent to which the requirements and exemptions of chapter 71 of title 5 should apply to covered employees who are employed in the offices listed in paragraph (2). The regulations shall, to the greatest extent practicable, be consistent with the provisions and purposes of chapter 71 of title 5 and of this chapter, and shall be the same as substantive regulations issued by the Federal Labor Relations Authority under chapter 71 of title 5, except—

(A) 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; and

(B) that the Board shall exclude from coverage under this section any covered employees who are employed in offices listed in paragraph (2) if the Board determines that such exclusion is required because of—

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

(ii) Congress' constitutional responsibilities.

**(2) Offices referred to**

The offices referred to in paragraph (1) include—

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

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

(C) the Office of the Vice President (as President of the Senate), the Office of the President pro tempore of the Senate, the Of-

Office of the Majority Leader of the Senate, the Office of the Minority Leader of the Senate, the Office of the Majority Whip of the Senate, the Office of the Minority Whip of the Senate, the Conference of the Majority of the Senate, the Conference of the Minority of the Senate, the Office of the Secretary of the Conference of the Majority of the Senate, the Office of the Secretary of the Conference of the Minority of the Senate, the Office of the Secretary for the Majority of the Senate, the Office of the Secretary for the Minority of the Senate, the Majority Policy Committee of the Senate, the Minority Policy Committee of the Senate, and the following offices within the Office of the Secretary of the Senate: Offices of the Parliamentarian, Bill Clerk, Legislative Clerk, Journal Clerk, Executive Clerk, Enrolling Clerk, Official Reporters of Debate, Daily Digest, Printing Services, Captioning Services, and Senate Chief Counsel for Employment;

(D) the Office of the Speaker of the House of Representatives, the Office of the Majority Leader of the House of Representatives, the Office of the Minority Leader of the House of Representatives, the Offices of the Chief Deputy Majority Whips, the Offices of the Chief Deputy Minority Whips and the following offices within the Office of the Clerk of the House of Representatives: Offices of Legislative Operations, Official Reporters of Debate, Official Reporters to Committees, Printing Services, and Legislative Information;

(E) the Office of the Legislative Counsel of the Senate, the Office of the Senate Legal Counsel, the Office of the Legislative Counsel of the House of Representatives, the Office of the General Counsel of the House of Representatives, the Office of the Parliamentarian of the House of Representatives, and the Office of the Law Revision Counsel;

(F) the offices of any caucus or party organization;

(G) the Congressional Budget Office, the Office of Technology Assessment, and the Office of Congressional Workplace Rights; and

(H) such other offices that perform comparable functions which are identified under regulations of the Board.

**(f) Effective date**

**(1) In general**

Except as provided in paragraph (2), subsections (a) and (b) shall be effective on October 1, 1996.

**(2) Certain offices**

With respect to the offices listed in subsection (e)(2), to the covered employees of such offices, and to representatives of such employees, subsections (a) and (b) shall be effective on the effective date of regulations under subsection (e).

(Pub. L. 104-1, title II, §220, Jan. 23, 1995, 109 Stat. 19; Pub. L. 115-141, div. I, title I, §153(a)(1)(C), Mar. 23, 2018, 132 Stat. 785; Pub. L. 115-397, title III, §308(b)(10), Dec. 21, 2018, 132 Stat. 5326.)

**Editorial Notes**

**REFERENCES IN TEXT**

This chapter, referred to in subsec. (e)(1), 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.

**AMENDMENTS**

2018—Subsec. (a)(2). Pub. L. 115-141, §153(a)(1)(C)(i), substituted “Application” for “Definition” in heading.

Subsec. (a)(3). Pub. L. 115-141, §153(a)(1)(C)(ii), added par. (3).

Subsec. (e)(2)(G). Pub. L. 115-397 substituted “Office of Congressional Workplace Rights” for “Office of Compliance”.

**Statutory Notes and Related Subsidiaries**

**EFFECTIVE DATE OF 2018 AMENDMENT**

Amendment by Pub. L. 115-397 effective Dec. 21, 2018, and any reference to the Office of Compliance in any law, rule, regulation, or other official paper in effect as of such date to be considered to refer and apply to the Office of Congressional Workplace Rights, see section 308(d) of Pub. L. 115-397, set out as a note under section 1381 of this title.

**SENATE DEMOCRATIC LEADERSHIP OFFICES FUNDING AND AUTHORITIES**

Reference to the Office of the Secretary of the majority or minority conference of the Senate, as applicable, that represents the Democratic party deemed to be a reference to the Office of the Assistant Leader of the applicable conference, under certain conditions during the 117th Congress, see section 104 of div. I of Pub. L. 116-260, set out as a note under section 6154 of this title.

**PART E—GENERAL**

**§ 1361. Generally applicable remedies and limitations**

**(a) Attorney’s fees**

If a covered employee, with respect to any claim under this chapter, or a qualified person with a disability, with respect to any claim under section 1331 of this title, is a prevailing party in any proceeding under section 1405, 1406, 1407, or 1408 of this title, the hearing officer, Board, or court, as the case may be, may award attorney’s fees, expert fees, and any other costs as would be appropriate if awarded under section 2000e-5(k) of title 42.

**(b) Interest**

In any proceeding under section 1405, 1406, 1407, or 1408 of this title, the same interest to compensate for delay in payment shall be made available as would be appropriate if awarded under section 2000e-16(d) of title 42.

**(c) Civil penalties and punitive damages**

No civil penalty or punitive damages may be awarded with respect to any claim under this chapter.

**(d) Exclusive procedure**

**(1) In general**

Except as provided in paragraph (2), no person may commence an administrative or judicial proceeding to seek a remedy for the rights and protections afforded by this chapter except as provided in this chapter.

**(2) Veterans**

A covered employee under section 1316 of this title may also utilize any provisions of chapter 43 of title 38 that are applicable to that employee.

**(e) Construction****(1) Definitions and exemptions**

Except where inconsistent with definitions and exemptions provided in this chapter, the definitions and exemptions in the laws made applicable by this chapter shall apply under this chapter.

**(2) Size limitations**

Notwithstanding paragraph (1), provisions in the laws made applicable under this chapter (other than the Worker Adjustment and Retraining Notification Act [29 U.S.C. 2101 et seq.]) determining coverage based on size, whether expressed in terms of numbers of employees, amount of business transacted, or other measure, shall not apply in determining coverage under this chapter.

**(3) Executive branch enforcement**

This chapter shall not be construed to authorize enforcement by the executive branch of this chapter.

(Pub. L. 104-1, title II, §225, Jan. 23, 1995, 109 Stat. 22; Pub. L. 115-397, title I, §101(d), Dec. 21, 2018, 132 Stat. 5301.)

**Editorial Notes****REFERENCES IN TEXT**

This chapter, referred to in subsecs. (a), (c), (d)(1), and (e), 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.

The Worker Adjustment and Retraining Notification Act, referred to in subsec. (e)(2), is Pub. L. 100-379, Aug. 4, 1988, 102 Stat. 890, which is classified generally to chapter 23 (§2101 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 2101 of Title 29 and Tables.

**AMENDMENTS**

2018—Subsecs. (e), (f). Pub. L. 115-397 redesignated subsec. (f) as (e) and struck out former subsec. (e). Prior to amendment, text of subsec. (e) read as follows: “Only a covered employee who has undertaken and completed the procedures described in sections 1402 and 1403 of this title may be granted a remedy under part A of this subchapter.”

**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.

**§ 1362. Notices****(a) In general**

Every employing office shall post and keep posted (in conspicuous places upon its premises where notices to covered employees are custom-

arily posted) a notice provided by the Office that—

(1) describes the rights, protections, and procedures applicable to covered employees of the employing office under this chapter, concerning violations described in subsection (b); and

(2) includes contact information for the Office.

**(b) Violations**

A violation described in this subsection is—

(1) discrimination prohibited by section 1311(a) of this title (including, in accordance with section 1302(c) of this title, discrimination prohibited by title II of the Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. 2000ff et seq.)) or 1316(a) of this title; and

(2) a violation of section 1317 of this title that is related to discrimination described in paragraph (1).

(Pub. L. 104-1, title II, §226, as added Pub. L. 115-397, title III, §304(a), Dec. 21, 2018, 132 Stat. 5322.)

**Editorial Notes****REFERENCES IN TEXT**

This chapter, referred to in subsec. (a)(1), 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.

The Genetic Information Nondiscrimination Act of 2008, referred to in subsec. (b)(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.

**Statutory Notes and Related Subsidiaries****EFFECTIVE DATE**

Section 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 an Effective Date of 2018 Amendment note under section 1301 of this title.

**PART F—STUDY****§ 1371. Study and recommendations regarding General Accounting Office, Government Printing Office, and Library of Congress****(a) In general**

The Board shall undertake a study of—

(1) the application of the laws listed in subsection (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.

(2) The Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), and related provisions of section 2302 of title 5.

(3) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and related provisions of section 2302 of title 5.

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

(5) The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), and related provisions of sections 5541 through 5550a of title 5.

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

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

(8) Chapter 71 (relating to Federal service labor-management relations) of title 5.

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

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

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

(12) Chapter 43 (relating to veterans' employment and reemployment) of title 38.

#### (c) Contents of study and recommendations

The study under this section shall evaluate whether the rights, protections, and procedures, including administrative and judicial relief, applicable to the entities listed in paragraph (1) of subsection (a) and their employees are comprehensive and effective and shall include recommendations for any improvements in regulations or legislation, including proposed regulatory or legislative language.

#### (d) Deadline and delivery of study

Not later than December 31, 1996—

(1) the Board shall prepare and complete the study and recommendations required under this section; and

(2) the Board shall transmit such study and recommendations (with the Board's comments) to the head of each entity considered in the study, and to the Congress by delivery to the Speaker of the House of Representatives and President pro tempore of the Senate for referral to the appropriate committees of the House of Representatives and of the Senate.

(Pub. L. 104-1, title II, §230, Jan. 23, 1995, 109 Stat. 23; Pub. L. 104-53, title III, §309(a), (b), Nov. 19, 1995, 109 Stat. 538.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Civil Rights Act of 1964, referred to in subsec. (b)(1), is Pub. L. 88-352, July 2, 1964, 78 Stat. 252. Title VII of the Act is classified generally to subchapter VI (§2000e et seq.) of chapter 21 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 2000a of Title 42 and Tables.

The Age Discrimination in Employment Act of 1967, referred to in subsec. (b)(2), is Pub. L. 90-202, Dec. 15,

1967, 81 Stat. 602, which is classified generally to chapter 14 (§621 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 29 and Tables.

The Americans with Disabilities Act of 1990, referred to in subsec. (b)(3), is Pub. L. 101-336, July 26, 1990, 104 Stat. 327, which is classified principally to chapter 126 (§12101 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 12101 of Title 42 and Tables.

The Family and Medical Leave Act of 1993, referred to in subsec. (b)(4), 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.

The Fair Labor Standards Act of 1938, referred to in subsec. (b)(5), is act June 25, 1938, ch. 676, 52 Stat. 1060, which is classified generally to chapter 8 (§201 et seq.) of Title 29. For complete classification of this Act to the Code, see section 201 of Title 29 and Tables.

The Occupational Safety and Health Act of 1970, referred to in subsec. (b)(6), is Pub. L. 91-596, Dec. 29, 1970, 84 Stat. 1590, which is classified principally to chapter 15 (§651 et seq.) of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 651 of Title 29 and Tables.

The Rehabilitation Act of 1973, referred to in subsec. (b)(7), 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 General Accounting Office Personnel Act of 1980, referred to in subsec. (b)(9), is Pub. L. 96-191, Feb. 15, 1980, 94 Stat. 27, which was classified principally to section 52-1 et seq. of former Title 31, Money and Finance, and which was substantially repealed by Pub. L. 97-258, §5(b), Sept. 13, 1982, 96 Stat. 1068, and reenacted by the first section thereof principally in subchapters III (§731 et seq.) and IV (§751 et seq.) of chapter 7 of Title 31, Money and Finance.

The Employee Polygraph Protection Act of 1988, referred to in subsec. (b)(10), is Pub. L. 100-347, June 27, 1988, 102 Stat. 646, which is classified generally to chapter 22 (§2001 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 2001 of Title 29 and Tables.

The Worker Adjustment and Retraining Notification Act, referred to in subsec. (b)(11), is Pub. L. 100-379, Aug. 4, 1988, 102 Stat. 890, which is classified generally to 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.

#### AMENDMENTS

1995—Subsec. (a). Pub. L. 104-53, §309(a), substituted “Board” for “Administrative Conference of the United States” in introductory provisions.

Subsec. (d)(1). Pub. L. 104-53, §309(b), substituted “Board” for “Administrative Conference of the United States” and struck out “and shall submit the study and recommendations to the Board” before semicolon.

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

General Accounting Office redesignated Government Accountability Office. See section 8 of Pub. L. 108-271, set out as a note under section 702 of Title 31, Money and Finance.

Government Printing Office redesignated Government Publishing Office. See section 1301(b) of Pub. L. 113-235, set out as a note preceding section 301 of Title 44, Public Printing and Documents.



## EFFECTIVE DATE OF 1995 AMENDMENT

Pub. L. 104-53, title III, §309(c), Nov. 19, 1995, 109 Stat. 538, provided that: “The amendments made by this section [amending this section] shall take effect only if the Administrative Conference of the United States ceases to exist prior to the completion and submission of the study to the Board as required by section 230 of the Congressional Accountability Act of 1995 (2 U.S.C. 1371). [See provision of title IV of Pub. L. 104-52, set out as a note preceding section 591 of Title 5, Government Organization and Employees.]”

### SUBCHAPTER III—OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS

#### Editorial Notes

##### CODIFICATION

Pub. L. 115-397, title III, §308(b)(11), Dec. 21, 2018, 132 Stat. 5326, substituted “OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS” for “OFFICE OF COMPLIANCE” in subchapter heading.

#### § 1381. Establishment of Office of Congressional Workplace Rights

##### (a) Establishment

There is established, as an independent office within the legislative branch of the Federal Government, the Office of Congressional Workplace Rights.

##### (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, who are authorized to take such steps as they consider appropriate to ensure the timely appointment of the members of the Board consistent with the requirements of this section. Appointments of the first 5 members of the Board shall be completed not later than 90 days after January 23, 1995.

##### (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 experience in the application of the rights, protections, and remedies under one or more of the laws made applicable under section 1302 of this title.

###### (2) Disqualifications for appointments

###### (A) Lobbying

No individual who engages in, or is otherwise employed in, lobbying of the Congress and who is required under the Federal Regulation of Lobbying Act<sup>1</sup> to register with the Clerk of the House of Representatives or the

Secretary of the Senate shall be eligible for appointment to, or service on, the Board.

##### (B) Incompatible office

No member of the Board appointed under subsection (b) may hold or may have held the position of Member of the House of Representatives or Senator, may hold the position of officer or employee of the House of Representatives, Senate, or instrumentality or other entity of the legislative branch (other than the Office), or may have held such a position (other than the position of an officer or employee of the General Accounting Office Personnel Appeals Board,<sup>2</sup> an officer or employee of the Office of Fair Employment Practices of the House of Representatives, or officer or employee of the Office of Senate Fair Employment Practices) within 4 years of the date of appointment.

##### (3) Vacancies

A vacancy on the Board shall be filled in the manner in which the original appointment was made.

##### (e) Term of office

###### (1) In general

Except as provided in paragraph (2), membership on the Board shall be for 5 years. A member of the Board may be reappointed, but no individual may serve as a member for more than 2 terms.

###### (2) First appointments

Of the members first appointed to the Board—

- (A) 1 shall have a term of office of 3 years,
- (B) 2 shall have a term of office of 4 years, and
- (C) 2 shall have a term of office of 5 years, 1 of whom shall be the Chair,

as designated at the time of appointment by the persons specified in subsection (b).

##### (3) Permitting service until appointment of successor

A member of the Board may serve after the expiration of that member's term until a successor has taken office.

##### (f) Removal

###### (1) Authority

Any member of the Board may be removed from office by a majority decision of the appointing authorities described in subsection (b), but only for—

- (A) disability that substantially prevents the member from carrying out the duties of the member,
- (B) incompetence,
- (C) neglect of duty,
- (D) malfeasance, including a felony or conduct involving moral turpitude, or
- (E) holding an office or employment or engaging in an activity that disqualifies the individual from service as a member of the Board under subsection (d)(2).

###### (2) Statement of reasons for removal

In removing a member of the Board, the Speaker of the House of Representatives and

<sup>1</sup> See References in Text note below.

<sup>2</sup> See Change of Name note below.