

Subsec. (a)(9)(D). Pub. L. 115-397, §305(b)(2), substituted “the Office of Technology Assessment, and the John C. Stennis Center for Public Service Training and Development” for “and the Office of Technology Assessment”.

Par. (9)(E). Pub. L. 115-141, §153(a)(1)(A)(ii), added subpar. (E). Par. (9)(E) subsequently redesignated subsec. (a)(9)(E).

2010—Par. (9)(D). Pub. L. 111-145 substituted “the United States Capitol Police,” for “the Capitol Police Board,”.

2008—Par. (3)(C). Pub. L. 110-437, §422(b)(1), substituted “the Office of Congressional Accessibility Services,” for “the Capitol Guide Service,”.

Par. (5). Pub. L. 110-279, which directed substitution of “or the Botanic Garden” for “, the Botanic Garden, or the Senate Restaurant”, was executed by making the substitution for “, the Botanic Garden, or the Senate Restaurants” to reflect the probable intent of Congress.

Par. (9)(D). Pub. L. 110-437, §422(b)(2), substituted “the Office of Congressional Accessibility Services,” for “the Capitol Guide Board,”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Pub. L. 115-397, title III, §305(d), Dec. 21, 2018, 132 Stat. 5324, provided that: “The amendments made by this section [amending this section] shall take effect as if included in the enactment of the Congressional Accountability Act of 1995 [Pub. L. 104-1].”

Amendment by section 308(b) 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.

Pub. L. 115-397, title IV, §401, Dec. 21, 2018, 132 Stat. 5327, provided that:

“(a) IN GENERAL.—Except as otherwise provided in this Act [See Short Title of 2018 Amendment note below], this Act and the amendments made by this Act shall take effect upon the expiration of the 180-day period which begins on the date of the enactment of this Act [Dec. 21, 2018].

“(b) NO EFFECT ON PENDING PROCEEDINGS.—Nothing in this Act or the amendments made by this Act may be construed to affect any proceeding or payment of an award or settlement relating to a claim under title IV of the Congressional Accountability Act of 1995 (2 U.S.C. 1401 et seq.) which is pending as of the date after that 180-day period. If, as of that date, an employee has begun any of the proceedings under that title that were available to the employee prior to that date, the employee may complete, or initiate and complete, all such proceedings, and such proceedings shall remain in effect with respect to, and provide the exclusive proceedings for, the claim involved until the completion of all such proceedings.”

Pub. L. 115-141, div. I, title I, §153(c), Mar. 23, 2018, 132 Stat. 787, provided that: “This section [amending this section and sections 1314 to 1316, 1331, 1341, 1351, 1401, 1404, and 1415 of this title] and the amendments made by this section—

“(1) shall take effect on the date of enactment of this section [Mar. 23, 2018]; and

“(2) shall apply to any charge, complaint, or claim, that is made on or after the date of enactment of this section, of a violation of—

“(A) section 201, 202, 203, 207, or 210 of the Congressional Accountability Act of 1995 (2 U.S.C. 1311 et seq.) [2 U.S.C. 1311, 1312, 1313, 1317, 1331]; or

“(B) a direct provision as defined in section 404(a) of the Congressional Accountability Act of 1995 (2 U.S.C. 1404(a)) (as added by subsection (b)).”

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-437, title IV, §422(d), Oct. 20, 2008, 122 Stat. 4997, provided that: “The amendments made by this

section [amending this section and sections 1331 and 1341 of this title and section 2107 of Title 5, Government Organization and Employees, and repealing section 2166 of this title] shall take effect on the transfer date [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 2261 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.

SHORT TITLE OF 2021 AMENDMENT

Pub. L. 116-283, div. A, title XI, §1103(a), Jan. 1, 2021, 134 Stat. 3886, provided that: “This section [amending section 1312 of this title, section 412 of Title 3, The President, sections 6301, 6381, and 6382 of Title 5, Government Organization and Employees, section 7425 of Title 38, Veterans’ Benefits, and section 40122 of Title 49, Transportation, and enacting provisions set out as notes under section 1312 of this title, section 412 of Title 3, section 7425 of Title 38, and section 40122 of Title 49] may be cited as the ‘Paid Parental Leave Technical Corrections Act of 2020’.”

SHORT TITLE OF 2018 AMENDMENT

Pub. L. 115-397, §1(a), Dec. 21, 2018, 132 Stat. 5297, provided that: “This Act [enacting sections 1362, 1388, 1402a, 1417, 1437a, and 1437b of this title, amending this section and sections 1302, 1311, 1331, 1341, 1351, 1361, 1381, 1382, 1384, 1401 to 1405, 1408, 1414 to 1416, 1431, and 1438 of this title and section 8437 of Title 5, Government Organization and Employees, and enacting provisions set out as notes under this section and sections 1331, 1381, and 1415 of this title] may be cited as the ‘Congressional Accountability Act of 1995 Reform Act’.”

SHORT TITLE OF 2015 AMENDMENT

Pub. L. 114-6, §1, Mar. 20, 2015, 129 Stat. 81, provided that: “This Act [amending sections 1403, 1404, and 1416 of this title and enacting provisions set out as notes under sections 1381 and 1403 of this title] may be cited as the ‘Office of Compliance Administrative and Technical Corrections Act of 2015’.”

SHORT TITLE

Pub. L. 104-1, §1(a), Jan. 23, 1995, 109 Stat. 3, provided that: “This Act [enacting this chapter, amending sections 1201, 1202, 1219, 1220, and 1831 of this title, section 6381 of Title 5, Government Organization and Employees, sections 203, 633a, 2611, and 2617 of Title 29, Labor, and sections 2000e-16 and 12209 of Title 42, The Public Health and Welfare, repealing sections 60m, 60n, 1203 to 1218, 1221, 1223, and 1224 of this title, and enacting provisions set out as a note under section 751 of Title 31, Money and Finance] may be cited as the ‘Congressional Accountability Act of 1995’.”

CONSTRUCTION OF 2010 AMENDMENT

Pub. L. 111-145, §2(a)(5)(B), Mar. 4, 2010, 124 Stat. 50, provided that: “Nothing in the amendment made by subparagraph (A) [amending this section] may be construed to affect any procedure initiated under title IV of the Congressional Accountability Act of 1995 [2 U.S.C. 1401 et seq.] prior to the date of the enactment of this Act [Mar. 4, 2010].”

§ 1302. Application of laws

(a) Laws made applicable

The following laws shall apply, as prescribed by this chapter, to the legislative branch of the Federal Government:

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

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

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

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

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

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

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

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

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

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

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

(12) Section 9202 of title 5.¹

(b) Laws which may be made applicable

(1) In general

The Board shall review provisions of Federal law (including regulations) relating to (A) the terms and conditions of employment (including hiring, promotion, demotion, termination, salary, wages, overtime compensation, benefits, work assignments or reassignments, grievance and disciplinary procedures, protection from discrimination in personnel actions, occupational health and safety, and family and medical and other leave) of employees, and (B) access to public services and accommodations.

(2) Board report

Beginning on December 31, 1996, and every 2 years thereafter, the Board shall report on (A) whether or to what degree the provisions described in paragraph (1) are applicable or inapplicable to the legislative branch, and (B) with respect to provisions inapplicable to the legislative branch, whether such provisions should be made applicable to the legislative branch. The presiding officers of the House of Representatives and the Senate shall cause each such report to be printed in the Congressional Record and each such report shall be referred to the committees of the House of Representatives and the Senate with jurisdiction.

(3) Reports of congressional committees

Each report accompanying any bill or joint resolution relating to terms and conditions of employment or access to public services or accommodations reported by a committee of the House of Representatives or the Senate shall—

(A) describe the manner in which the provisions of the bill or joint resolution apply to the legislative branch; or

(B) in the case of a provision not applicable to the legislative branch, include a statement of the reasons the provision does not apply.

On the objection of any Member, it shall not be in order for the Senate or the House of Representatives to consider any such bill or joint resolution if the report of the committee on such bill or joint resolution does not comply with the provisions of this paragraph. This paragraph may be waived in either House by majority vote of that House.

¹ See Effective Date of 2019 Amendment note below.

(c) Genetic Information Nondiscrimination Act of 2008

(1) In general

The provisions of this chapter that apply to a violation of section 1311(a)(1) of this title shall be considered to apply to a violation of title II of the Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. 2000ff et seq.), consistent with section 207(c) of that Act (42 U.S.C. 2000ff-6(c)).

(2) Construction

(A) No limitation on other laws

Nothing in this section limits the provisions of this chapter that apply to a violation of a law described in subparagraph (B).

(B) Other laws

A law described in this subparagraph is a law (even if not listed in subsection (a) or this subsection) that explicitly applies one or more provisions of this chapter to a violation.

(Pub. L. 104–1, title I, § 102, Jan. 23, 1995, 109 Stat. 5; Pub. L. 115–397, title III, § 301, Dec. 21, 2018, 132 Stat. 5320; Pub. L. 116–92, div. A, title XI, § 1122(d)(1)(A), Dec. 20, 2019, 133 Stat. 1608.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (c), 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 Fair Labor Standards Act of 1938, referred to in subsec. (a)(1), is act June 25, 1938, ch. 676, 52 Stat. 1060, as amended, 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.

The Civil Rights Act of 1964, referred to in subsec. (a)(2), 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 Americans with Disabilities Act of 1990, referred to in subsec. (a)(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. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of Title 42 and Tables.

The Age Discrimination in Employment Act of 1967, referred to in subsec. (a)(4), 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 Family and Medical Leave Act of 1993, referred to in subsec. (a)(5), is Pub. L. 103–3, Feb. 5, 1993, 107 Stat. 6, as amended, 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 Occupational Safety and Health Act of 1970, referred to in subsec. (a)(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 Employee Polygraph Protection Act of 1988, referred to in subsec. (a)(8), is Pub. L. 100-347, June 27, 1988, 102 Stat. 646, which is classified generally to chapter 22 (§2001 et seq.) of Title 29. 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. (a)(9), 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.

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