

**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 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) 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 Employment 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 im-