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OFFICE OF COMPLIANCE REPORT TO CONGRESS

Mr. THURMOND. Mr. President, pursuant to section 102(b) of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1302(b)), the Board of Directors of the Office of Compliance has submitted a report to Congress. This document is titled a "Review and Report of the Applicability to the Legislative Branch of Federal Law Relating to Terms and Conditions of Employment and Access to Public Services and Accommodations."

Section 102(b) requires this report to be printed in the CONGRESSIONAL RECORD, and referred to committees with jurisdiction. Therefore I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REVIEW AND REPORT OF THE APPLICABILITY TO THE LEGISLATIVE BRANCH OF FEDERAL LAW RELATING TO TERMS AND CONDITIONS OF EMPLOYMENT AND ACCESS TO PUBLIC SERVICES AND ACCOMMODATIONS

[Prepared by the Board of Directors of the Office of Compliance Pursuant to Section 102(b) of the Congressional Accountability Act of 1995 (PL 104-1), Dec. 31, 1996]

SECTION 102 (b) REPORT

Section 102(a) of the Congressional Accountability Act (CAA) lists the eleven laws that "shall apply, as prescribed by this Act, to the legislative branch of the Federal Government." Section 102(b) directs the Board of Directors (Board) of the Office of Compliance to: "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."

And, on the basis of this review, "[b]eginning 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."

In preparing this report, the Board has reviewed the entire United States Code to identify those laws and associated regulations of general application that relate to terms and conditions of employment or access to public accommodations and services. In other words, the Board has reviewed those provisions of law that confer employment rights or benefits on or affect workplace conditions of employees, and that create a corresponding mandate for employers, or that relate to access to public services or accommodations. The Board excluded from consideration those laws that, although employment-related, (1) are specific to narrow or specialized industries or types of employment not found in the legislative branch (e.g., employment in maritime or mining industries, or the armed forces, or employment in a project funded by federal grants or contracts); or (2) establish government programs of research, data-collection, advocacy, or training, but do not establish correlative rights and responsibilities for employees and employers (e.g., statutes authorizing the Women's Bureau of Labor Statistics); or (3) authorize, but do not require, that employers provide benefits to employees, (e.g., so-called "cafeteria plans" authorized by 26 U.S.C. 125).

For ease of reference, the results of this research are presented in four tables, each of which contains a matrix of analysis consisting of four parts. The first column of each table lists the name or a short description of the law; the second gives the United States Code citation and any relevant Code of Federal Regulations citation; the third summarizes the provision of law to illustrate the extent to which it relates to terms and conditions of employment or access to public services or accommodations; and, the fourth analyzes the extent of the provision's application in the legislative branch. Because many statutes are either silent or ambiguous in their definition of coverage, and because the issue is only infrequently litigated, it is often difficult to determine definitively

whether a statute is applicable to the legislative branch. The Board has generally followed the principle that coverage must be clearly and unambiguously stated.

Table A lists and reviews those provisions of law relating to terms and conditions of employment or access to public accommodations and services that are generally applicable in the private sector and/or in state and local government, and that are already applicable to entities in the legislative branch of the federal government. This table includes nine of the statutes made applicable to the legislative branch by the CAA.¹

Table B lists and reviews those provisions of law that apply only in the federal public sector, and have no application in the private sector or in state or local governments. Table B includes the two exclusively federal factor laws applied to the legislative branch by the CAA.² Also listed in this table are the civil service laws in title 5 of the United States Code, the employment-related laws applicable to Congress and the President, and a variety of other employment-related laws applicable only in the federal public sector.

Table C lists and reviews five private sector and/or state and local government provisions of law that do not apply in the legislative branch. The five provisions of law listed in this table are: the Government Employees Rights Act of 1991, a provision of the Immigration Reform Control Act, the National Labor Relations Act, the Employee Retirement Income Security Act, and provisions of the Consolidated Omnibus Budget Reconciliation Act of 1998 (COBRA). In the fourth column of this table, the Board identifies other provisions of law, currently applicable in the legislative branch, that confer similar or related rights and protections to those provided by the five private sector provisions of law. Those provisions that, in the Board's view, create corresponding rights and protections for the legislative branch are: the anti-discrimination provisions of the Congressional Accountability Act, Legislative Branch Appropriations Acts, the Federal Service Labor-Management Relations Statute provisions, as applied by the Congressional Accountability Act, the Federal Employees Retirement System provisions, and the Federal Employees Health Benefits Program, respectively.

Table D contains the Board's review of thirteen other private sector and/or state and local government provisions of law that do not apply or have very limited application to entities in the legislative branch. The first entry in the table discusses a provision in the Immigration Reform and Control Act, which forbids discrimination by employers on the basis of national origin or citizenship status. Entry two prohibits employment discrimination based on the fact that an employee has declared personal bankruptcy. Entry three prohibits an employer from fir-

ing an employee because that employee's wages have been subject to garnishment. The fourth provision in Table D prohibits an employer from discharging an employee because that employee was called to serve on a jury. The next two entries, title II and III of the Civil Rights Act of 1964, prohibit discrimination on the basis of race, color, religion, or national origin in the provision of public accommodations and services. The final two entries review the employee protection provisions contained in seven environmental protection statutes.

Having completed the review and analysis summarized in the tables, the Board next considered the basis on which to decide whether those statutes that were currently inapplicable to the legislative branch "should" be applied to the legislative branch. The statutory mandate of Section 102(b) could be interpreted to require the Board to report on whether all the provisions analyzed in the tables should or should not now be made fully applicable to all entities within the legislative branch. The Board did not do so because, as even a cursory review of those tables demonstrates, that task is the work of many hands and many years. Moreover, section 102(b)(2), in mandating that the Board report biennially, argues for accomplishing such statutory change on an incremental basis through an ongoing reporting process. Accordingly, the Board has decided to focus this, its first report, on the statutes in Table D, for which there is currently no coverage in the legislative branch, and to defer consideration of those provisions of private and public sector laws in tables A, B, and C, not currently fully applicable to the legislative branch, for discussion in future reports.

The Board's rationale for setting these priorities in its first biennial report derives from its reading of the CAA and from prudential institutional concerns. Because the statute does not give direct guidance, the Board set its priorities from the priorities found in the CAA. The CAA focuses almost entirely on private sector law, applying to the legislative branch only two exclusively federal public sector provisions of law. This reading of the legislative priorities established in the CAA is supported by the statement of Senator Grassley, one of the bill's sponsors, who called for an end to the situation in which "[t]here is one set of protections for people in the private sector whose employees are protected by the employment, safety and civil rights laws, but no protection, or very little protection for employees on Capitol Hill."³ The Board has determined likewise to focus attention in its first biennial report on private sector law. Further, the Board made its first priority the cases where, as Senator Grassley put it, there is currently "no protection, or very little protection" in the legislative branch. Accordingly, the Board focused on reporting on private sector laws found in Table D that currently have no or very limited application to entities in the legislative branch.

The Board next considered how to treat the statutes in the other tables. Because the CAA itself was concerned almost exclusively with the application of private sector law to the legislative branch, the Board gave the federal sector statutes found in Table B a low priority. Further, determining which currently inapplicable provisions of federal civil service law could and "should" be applied to the legislative branch and, if so, to which entities, is difficult. Table B indicates how disparate the application of federal sector laws currently is in the legislative branch and the difficulty in finding a ration-

al organizing principle. Some of the statutes or provisions of statutes already apply to some entities within the legislative branch, but not to others; while a number do not have any application to any entity within the legislative branch. Moreover, the executive branch and the Congress are presently in the process of reexamining the application of federal civil service law in some parts of the executive branch. While such review is underway, the Board has determined that it would be premature to consider applying to the Congress the very provisions at issue. Additionally, such determinations involve, in part, weighing the merits of the protections afforded by CAA against those provided under other statutory schemes. But in this, its first year of administering the CAA, it would be premature for the Board to make such comparative judgments. Therefore, in light of the priorities established by the CAA and the prematurity of review at this time, the Board decided to defer reporting on the statutes listed in Table B for future reports.

Likewise, prudential concerns led the Board to defer consideration of the statutes found in Table C. Although Table C comprises a universe of statutes that are currently inapplicable to entities in the legislative branch, the Congress has already applied comparable provisions to legislative branch entities. As the Board gains rulemaking and adjudicatory experience in the application of the CAA to the legislative branch, the Board will be better situated to formulate recommendations about appropriate changes in those different statutory schemes. Thus, the Board has determined to defer consideration of the laws in table C in this first report.

Table A, as noted above, comprises the universe of private sector law and/or state and local government law that Congress has, with only limited exception, already applied to the legislative branch, including nine of the laws made applicable by the CAA. Because of the obvious importance of these laws to the CAA, the Board intends to undertake a more in depth study of the specific exceptions created by Congress, with the goal of issuing an interim report prior to December 31, 1998 with regard to whether and to what degree the provisions excepted from the laws set forth in Table A should be made applicable to the legislative branch.

Turning now to those statutes in Table D that currently do not apply to the legislative branch, the Board reports below on whether those provisions should or should not be applied to the legislative branch. Because a major goal of the CAA was to achieve parity with the private sector, the Board has determined that, if our review reveals no impediment to applying the provision in question to the legislative branch, it should be made applicable.

Prohibition against discrimination based on national origin or citizenship status (8 U.S.C. 1324b)

Section 1324b of the Immigration Reform and Control Act (IRCA) prohibits employment discrimination by employers of three or more employees against a person because of national origin or citizenship status. This section of IRCA, on its face, does not appear to apply to entities in the legislative branch. The national origin discrimination provisions of IRCA, by their terms, do not apply to any employer that is covered by Title VII. 8 U.S.C. 1324b(a)(2)(B). The CAA already applies the rights and protections of Title VII to legislative branch employment and therefore, IRCA's national origin discrimination provisions would not apply, even if IRCA was generally extended to the legislative branch.

While IRCA prohibits citizenship status discrimination generally, it permits such discrimination to the extent such discrimination is required by federal, state, or local

¹The nine CAA statutes treated in Table A are: the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.), the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Employment Polygraph Protection Act of 1988 (29 U.S.C. 2001 et seq.), the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.), and Chapter 43 (relating to uniformed services employment and reemployment) of title 38, United States Code. (See Table B for the two CAA statutes applicable only in the federal public sector.)

²The two statutes made applicable to the legislative branch by the CAA are: Chapter 71 (relating to federal service labor-management relations) of title 5, United States Code, and the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

³141 Cong. Rec. S622 (daily ed. Jan. 9, 1995).

law, regulation, or executive order. 8 U.S.C. 1324(b)(2)(C). Thus, IRCA gives governments an "override" power with respect to their own hiring practices, and in establishing employment in a government contract with private employers, to require American citizenship as a condition of employment. IRCA, if applied to the legislative branch, would likewise allow legislative branch entities, by law or regulation, to require American citizenship as a condition of employment in any covered facility. The legislative branch has, in the context of appropriations bills, imposed citizenship restrictions on federal government hiring. *See, e.g.,* Pub. L. No. 104-52, title VI, §606, 109 Stat. 497 (Nov. 19, 1995) (except as otherwise provided, no part of any appropriation contained in this or any other act shall be used to pay the compensation of any officer or employee of the Government of the U.S. whose post of duty is the continental U.S. unless such person is a U.S. citizen or intended citizen or meets other specified requirements). Therefore, application of this section of IRCA would be without significant effect.

Prohibition against discrimination on the basis of bankruptcy (11 U.S.C. 525)

Section 525(a) provides that "a government unit" may not deny employment to, terminate the employment of, or discriminate with respect to employment against, a person that is or has been a debtor under the bankruptcy statutes. This provision currently does not apply to the legislative branch. For the reason stated above, the Board reports that the rights and protections against discrimination on this basis should be applied to employing offices within the legislative branch.

Prohibition against discharge from employment by reason of garnishment (15 U.S.C. 1674(a))

Section 1674(a) prohibits discharge of any employee because his or her earnings "have been subject to garnishment for any one indebtedness." This section is limited to pri-

vate employers, so it currently has no application to the legislative branch. For the reason set forth above, the Board has determined that the rights and protections against discrimination on this basis should be applied to employing offices within the legislative branch.

Prohibition against discrimination on the basis of jury duty (28 U.S.C. 1875)

Section 1875 provides that no employer shall discharge, threaten to discharge, intimidate, or coerce any permanent employee by reason of such employee's jury service, or the attendance or scheduled attendance in connection with such service, in any court of the United States. This section currently does not cover legislative branch employment. For the reason set forth above, the Board has determined that the rights and protections against discrimination on this basis should be applied to employing offices within the legislative branch.

Titles II and III of the Civil Rights Act of 1964 (42 U.S.C. 2000a to 2000a-6, 2000b to 2000b-3)

These titles prohibit discrimination or segregation on the basis of race, color, religion, or national origin regarding the goods, services, facilities, privileges, advantages, and accommodations of "any place of public accommodation" as defined in the Act. Although the CAA incorporated the protections of titles II and III of the ADA, which prohibit discrimination on the basis of disability with respect to access to public services and accommodations, it does not extend protection based upon race, color, religion, or national origin. Since those protections of titles II and III of the Civil Rights Act do not currently apply to entities in the legislative branch, the Board has determined that the rights and protections afforded by titles II and III of the Civil Rights Act of 1964 against discrimination with respect to places of public accommodation should be applied to employing offices within the legislative branch.

Employee protection provisions in the environmental protection statutes (15 U.S.C. 2622; 33 U.S.C. 1367; 42 U.S.C. 300j-9(i), 5851, 6971, 7622, 9610)

These provisions generally protect an employee from discrimination in employment because the employee has commenced, or caused to be commenced, proceedings under the applicable statutes, has testified or is about to testify in any such proceedings, or has participated or is about to participate in any way in such proceedings. It is unclear to what extent, if any, these provisions apply to entities in the legislative branch. Furthermore, even if applicable or partially applicable, it is unclear whether and to what extent the legislative branch has the type of employees and employing offices that would be subject to these provisions. Consequently, the Board reserves judgment on whether or not these provisions should be made applicable to the legislative branch at this time.

Thus, pursuant to section 102(b), the Board submits this review and report, concluding that the following provisions of law, summarized in Table D, should be applied to the legislative branch: 11 U.S.C. 525 (bankruptcy); 15 U.S.C. 1675(a) (garnishment); 28 U.S.C. 1875 (jury duty); and titles II and III of the Civil Rights Act of 1964 (42 U.S.C. 2000a to 2000a-6, 2000b to 2000b-3) (public accommodations and services).

(The analysis and conclusions in this review and report are being made solely for the purposes set forth in section 102(b) of the Congressional Accountability Act. Nothing in this review and report is intended or should be construed as a definitive interpretation of any factual or legal question by the Office of Compliance or its Board of Directors.)

(The Board of Directors of the Office of Compliance gratefully acknowledges the contributions of Lawrence B. Novey and Nicola O. Goren for their work on this review and report.)

TABLE A—PRIVATE SECTOR AND STATE AND LOCAL GOVERNMENT PROVISIONS OF LAW AND RIGHTS AND PROTECTIONS ALREADY APPLICABLE IN THE LEGISLATIVE BRANCH

| Name or topic | U.S. Code provisions and corresponding Federal regulations, if any | Provisions that relate to the terms and conditions of employment, or to access to public services or accommodations | Whether or to what degree the provisions are applicable or inapplicable to the legislative branch |
|---|---|--|---|
| Restrictions on garnishment | 15 U.S.C. 1673 | Provision restricts the amount by which an employee's earnings may be subject to garnishment to satisfy employee debts to creditors. | Provisions of law apply in the legislative branch by virtue of 5 U.S.C. 5520a. |
| Provision relating to promise of employment for political activity. | 5 C.F.R. parts 581 and 582 generally (Regulations of the Office of Personnel Management) | Provision prohibits the promise of employment, position, or compensation etc. made possible by an Act of Congress, to any person as consideration, favor or reward, for political activity, support, opposition, or in connection with any primary election or political convention. | Provisions apply in the legislative branch. |
| Provision relating to deprivation of employment for political contribution. | 18 U.S.C. 600 | Provision prohibits the causing or attempting to cause any person to make a political contribution through the denial or deprivation, or threat thereof, of any employment, position, or work in or for any agency or other entity of Government of the United States where such employment, position, or work is made possible by an Act of Congress. | Provisions apply in the legislative branch. |
| Provisions relating to peonage and involuntary servitude .. | 18 U.S.C. 1581 and 1584 | Provisions establish criminal penalties for holding anyone in a condition of peonage or involuntary servitude. | Provisions apply in the legislative branch. |
| Fair Labor Standards Act and the Portal to Portal Act (FLSA). | 29 U.S.C. 201 to 219 | Provisions govern overtime pay, minimum wage, and child labor protections. Also require that women receive equal pay for equal work. The provisions of the Portal to Portal Act generally allow an employer to use as a defense a good faith reliance upon applicable interpretative bulletins of the Secretary of Labor. | Certain provisions of the FLSA were made applicable to the legislative branch by section 203 of the CAA. Among those not made applicable are those relating to record-keeping, notice posting, and the power of the Department of Labor to audit employers and enforce the law. The CAA generally requires that the Board of Directors of the Office of Compliance issue implementing regulations that are the same as substantive regulations of the Secretary of Labor, except where good cause exists to modify them. |
| Discrimination on the basis of age | 29 U.S.C. 251 to 262. 29 C.F.R. parts 510 to 580 generally, and part 775 (Regulations of the Secretary of Labor). 142 Cong. Rec. S3924 to S3949 (April 23, 1996) (Regulations of the Office of Compliance). | The Age Discrimination in Employment Act of 1967 prohibits employment discrimination against persons 40 years of age and over. | Section 201(a) of the CAA requires that "[a]ll personnel actions affecting covered employees shall be made free from any discrimination based on— . . . (2) age, within the meaning of section 15 of the Age Discrimination in Employment Act of 1967." Section 201(b)(2) also provides that the remedy for a violation would be "(A) such remedy as would be appropriate if awarded under section 15(c) of the Age Discrimination in Employment Act of 1967 . . . ; and (B) such liquidated damages as would be appropriate if awarded under section 7(b) of such Act." The Board has not adopted substantive regulations on age discrimination. |

TABLE A—PRIVATE SECTOR AND STATE AND LOCAL GOVERNMENT PROVISIONS OF LAW AND RIGHTS AND PROTECTIONS ALREADY APPLICABLE IN THE LEGISLATIVE BRANCH—
Continued

| Name or topic | U.S. Code provisions and corresponding Federal regulations, if any | Provisions that relate to the terms and conditions of employment, or to access to public services or accommodations | Whether or to what degree the provisions are applicable or inapplicable to the legislative branch |
|---|--|---|--|
| Occupational Safety and Health Act of 1970 | 29 U.S.C. 651 to 677 | Protects the safety and health of employees from physical, chemical, and other hazards in their places of employment. | Certain provisions were made applicable to the legislative branch by the CAA, effective January 1, 1997. Among those not made applicable are those relating to record keeping. The CAA generally requires that the Board of Directors of the Office of Compliance issue implementing regulations that are the same as substantive regulations of the Secretary of Labor, except where cause exists to modify them. |
| | 29 C.F.R. parts 1900 to 1926 (Regulations of the Occupational Safety and Health Administration, Dept. of Labor). | | |
| | 142 Cong. Rec. H10711 to H10719, S11019 to S11027 (Sept. 19, 1996) (proposed Regulations of the Office of Compliance). | | |
| Provisions relating to lie detector tests | 29 U.S.C. 2001 to 2009 | The Employee Polygraph Protection Act of 1988 restricts the use of lie detector tests by employers. | Section 204 of the CAA states that no 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" Section 204 also applies the waiver provisions of section 6(d) and a remedy "as would be appropriate if awarded under section 6(c)(1) of that Act." The CAA generally requires that the Board of Directors of the Office of Compliance issue implementing regulations that are the same as substantive regulations of the Secretary of Labor, except where good cause exists to modify them. |
| | 29 C.F.R. part 801 (Regulations of the Secretary of Labor). | | |
| | 142 Cong. Rec. S3917 to S3924 (Apr. 23, 1996) (Regulations of the Office of Compliance). | | |
| Provisions relating to notification in the event of mass layoffs or closings. | 29 U.S.C. 2101 to 2109 | The Worker Adjustment and Retraining Notification Act assures employees of notice in advance of office or plant closings or mass layoffs in certain situations. | Section 205 of the CAA states that no employing office may close or order a mass layoff "within the meaning of section 3 of the Worker Adjustment and Retraining Notification Act . . ." if the employing office has not given employees 60 days written notice. Section 205 further states that a remedy for a violation would be "such remedy as would be appropriate if awarded under paragraphs (1), (2), and (4) of section 5(a)" of that Act. The CAA generally requires that the Board of Directors of the Office of Compliance issue implementing regulations that are the same as substantive regulations of the Secretary of Labor, except where good cause exists to modify them. |
| | 20 C.F.R. part 639 (Regulations of the Employment and Training Administration, Dept. of Labor). | | |
| | 142 Cong. Rec. S3949 to S3952 (Apr. 23, 1996) (Regulations of the Office of Compliance). | | |
| Family and Medical Leave Act | 29 U.S.C. 2601 to 2654 | Entitles eligible employees to up to twelve weeks of unpaid leave for certain family and medical reasons. | Certain provisions of the law were made applicable to the legislative branch by section 202 of the CAA. Among those not made applicable are those relating to record keeping. The CAA generally requires that the Board of Directors of the Office of Compliance issue implementing regulations that are the same as substantive regulations of the Secretary of Labor, except where good cause exists to modify them. |
| | 29 C.F.R. part 825 (Regulations of the Secretary of Labor). | | |
| | 142 Cong. Rec. S3896 to S3917 (Apr. 23, 1996) (Regulations of the Office of Compliance). | | |
| Uniformed Services Employment and Reemployment Rights | 38 U.S.C. 4301 to 4333 | Provisions protect employment rights for individuals who serve in the military and other uniformed services. | Section 206 of the CAA makes it unlawful to discriminate against an eligible employee "within the meaning of subsections (a) and (b) of section 4311 of title 38, United States Code," or "deny to an eligible employee reemployment rights within the meaning of sections 4312 and 4313 of title 38, United States Code," or "deny to an eligible employee benefits within the meaning of section 4316, 4317, and 4318 of title 38, United States Code." The CAA also applies such remedy "as would be appropriate if awarded under paragraphs (1), (2)(A), and (3) of section 4323(c) of title 38, United States Code." |
| | 5 C.F.R. part 353 for executive branch (Regulations of the Office of Personnel Management). | | |
| Provisions relating to Social Security Insurance | 42 U.S.C. 401 to 433 | Provisions entitle former employees to disability and old-age insurance payments in certain situations. | Provisions apply in the legislative branch. However, employment in the legislative branch prior to 1984 and employment of individuals after 1984 who chose to remain in the civil service retirement system are not covered employment for purposes of social security. |
| | 20 C.F.R. parts 404, 410, 416 (Regulations of the Social Security Administration). | | |
| | 42 C.F.R. parts 405, 406, 424 (Regulations of the Health Care Financing Administration, HHS). | | |
| Title VII of the Civil Rights Act of 1964—Equal Employment Opportunities. | 42 U.S.C. 2000e to 2000e-17; damages in 42 U.S.C. 1981a(a)(1) and (b). | Provisions prohibit discrimination in employment based on race, color, religion, sex, or national origin. | Certain provisions of the law were made applicable to the legislative branch by section 201 of the CAA. Those not made applicable include the provision allowing for punitive damages, and those vesting enforcement authority in the Equal Employment Opportunity Commission and the Attorney General. The Board has not promulgated substantive regulations concerning these anti-discrimination provisions. |
| | 29 C.F.R. part 1601 generally (Procedural regulations of the Equal Employment Opportunity Commission). | | |
| Discrimination in employment on the basis of disability ... | 42 U.S.C. 12101 to 12213 | Title I of the Americans with Disabilities Act of 1990 generally prohibits discrimination in employment of the basis of disability. | Section 201 of the CAA requires that "[a]ll personnel actions affecting covered employees shall be made free from any discrimination based on— . . . (3) disability, within the meaning of . . . sections 102 through 104 of the Americans with Disabilities Act of 1990" The CAA also provides that the remedy for a violation would be "(A) such remedy as would be appropriate if awarded under section . . . 107(a) of the Americans with Disabilities Act of 1990 . . . ; and (B) such compensatory damages as would be appropriate if awarded under sections 1977A(a)(2), 1977A(a)(3), 1977A(b)(2), and, irrespective of the size of the employing office, 1977A(b)(3)(D) of the Revised Statutes" The Board has not adopted substantive regulations on disability discrimination. |
| | 29 C.F.R. parts 1602, 1614, 1640, 1641 (Record keeping and reporting requirements of the Equal Employment Opportunity Commission). | | |
| Discrimination in the provision of public services and accommodations on the basis of disability. | 42 U.S.C. 12101 to 12213 | Titles II and III of the Americans with Disabilities Act of 1990 generally prohibit discrimination in the provision of public services and accommodations on the basis of disability. | Section 210 of the CAA states that "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" shall apply to covered entities, effective January 1, 1997. Section 210 further states that the remedy for a violation would be "such remedy as would be appropriate if awarded under section 203 or 308(a) of the Americans with Disabilities Act of 1990." The CAA generally requires that the Board of Directors of the Office of Compliance issue implementing regulations that are the same as substantive regulations of the Attorney General and the Secretary of Transportation, except where good cause exists to modify them. |
| | 28 C.F.R. part 35 (Regulations of the Attorney General). | | |
| | 49 C.F.R. parts 27, 37, 38 (Regulations of the Secretary of Transportation). | | |
| | 142 Cong. Rec. H10676 to H10711, S10984 to S11019 (Sept. 19, 1996) (proposed Regulations of the Office of Compliance). | | |

TABLE B—PROVISIONS OF LAW THAT APPLY ONLY IN THE FEDERAL PUBLIC SECTOR

| Name or topic | U.S. Code provisions and corresponding Federal regulations, if any | Provisions that relate to the terms and conditions of employment, or to access to public services or accommodations | Whether or to what degree the provisions are applicable or inapplicable to the legislative branch |
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| Provisions relating to the Congress | 2 U.S.C. 31 to end (except sections 1201–1202, 1301–1438, discussed below). | Provisions include sections relating to compensation levels, rules for travel reimbursement, and other compensation and employment benefit-related allowances for Members of Congress, their staffs, and the staffs of many legislative branch agencies. | Provisions apply to various entities within the legislative branch. |
| Congressional Accountability Act of 1995 (CAA) | 2 U.S.C. 1301 to 1438 142 Cong. Rec. S3896 to S3952 generally (Apr. 23, 1996) (Regulations of the Board of Directors and the Executive Director of the Office of Compliance). | The CAA applies eleven federal employment and labor laws to the legislative branch. | Provisions of law and regulations apply to covered offices within the legislative branch. |
| Provisions relating to the President | 3 U.S.C. 101–209 | Provisions establish compensation levels and other monetary allowances for the President, Vice President, the White House staff, and the United States Secret Service Uniformed Division. | Provisions do not apply in the legislative branch. |
| Presidential and Executive Office Accountability Act | PL 104–331 | Provisions apply eleven federal employment and labor laws to the executive branch. | Provisions do not apply in the legislative branch. However, this law is comparable to the Congressional Accountability Act of 1995, which does apply in the legislative branch. |
| Privacy Act | 5 U.S.C. 552a Regulations pursuant to the Privacy Act are promulgated by each individual agency subject to the Act. | The Privacy Act protects from disclosure records maintained by agencies on individuals. With respect to federal employees, the Privacy Act protects them from unwanted access into their personal files. | Provisions do not apply in the legislative branch. |
| Provisions establishing the Merit Systems Protection Board and Office of Special Counsel. | 5 U.S.C. 1201 to 1222 5 C.F.R. parts 120 to 1209 (Regulations of the Merit Systems Protection Board). 5 C.F.R. parts 1800 to 1850 (Regulations of the Office of Special Counsel). | The Merit Systems Protection Board was established to hear, adjudicate, and enforce many employment and labor disputes for employees in the competitive service. The Office of Special Counsel was established to protect employees in the executive branch from prohibited employment practices. | Provisions apply to the Government Printing Office and to legislative branch agencies that have positions in the competitive service. |
| Merit Systems Principles and Prohibited Personnel Practices. | 5 U.S.C. 2301 to 2305 5 C.F.R. parts 300 & 720 (Regulations of the Office of Personnel Management). | Provisions establish principles to be applied in the implementation of federal personnel management, and prohibit discriminatory personnel practices. | Provisions and regulations apply to the Government Printing Office. |
| Authority to hire personal assistants for handicapped employees. | 5 U.S.C. 3102 Regulations are promulgated by each individual agency subject to these provisions. | Provision authorizes agencies to employ personal assistants for handicapped employees, including blind and deaf employees. | Provision applies to the General Accounting Office and the Library of Congress. |
| Restriction on employment of relatives. | 5 U.S.C. 3110 5 C.F.R. part 310 (Regulations of the Office of Personnel Management). | Provision restricts the employment, appointment, promotion, and advancement by public officials of relatives. | Provisions apply to “an office, agency, or other establishment in the legislative branch.” |
| Provision relating to appointment of disabled veterans | 5 U.S.C. 3112 5 C.F.R. 720.301 et seq. (Regulations of the Office of Personnel Management). | Provision allows agencies to make noncompetitive appointments of disabled veterans. | Provision applies to agencies in the legislative branch that have positions in the competitive service. |
| Senior Executive Service | 5 U.S.C. 3131 to 3136, 3391 to 3397, 3591 to 3596, 4311 to 4315, 4507. 5 C.F.R. parts 214, 293, 317, 352, 359, 412, 430 (Regulations of the Office of Personnel Management). | Provisions throughout title 5 relate to terms and conditions of employment within the Senior Executive Service, including compensation, benefits, incentives, qualifications, removal, and performance appraisals. | Provisions do not apply in the legislative branch. |
| Civil Service | 5 U.S.C. 3301 5 C.F.R. parts 771 & 930 (Regulations of the Office of Personnel Management). | Provision empowers the President to prescribe regulations for the admission of individuals into the civil service in the executive branch, and to ascertain fitness of applicants. | Provisions do not apply in the legislative branch. |
| Competitive Service | 5 U.S.C. chapter 33 5 C.F.R. generally (Regulations of the Office of Personnel Management). | Provisions create the competitive service and relate to terms and conditions of employment within the competitive service including, appointment, examinations, qualifications, preference eligibility for veterans and certain other individuals, separation, promotion, and assignments. | Provisions apply only to legislative branch agencies that have positions in the competitive service. |
| Political Recommendations | 5 U.S.C. 3303 | Provision requires that appointments to positions in the competitive service, the senior executive service, or the excepted service be made without regard to any recommendation or statement by any Member of Congress or congressional employee, any elected official of the government of any State, county, city or other subdivision or any other individual or organization making the recommendation on the basis of the applicant's party affiliation. | Provisions apply only to legislative branch agencies that have positions in the competitive service. |
| Ramspeck Act provisions | 5 U.S.C. 3304(c) 5 C.F.R. parts 315 to 316 (Regulations of the Office of Personnel Management). | Provisions give preference for transfer to the competitive service for certain legislative branch employees with at least 3 years of service, and certain judicial branch employees with at least 4 years of service, who are involuntarily separated without prejudice from the legislative or judicial branch and transfer to the competitive service within 1 year of separation. | Provisions apply to employees in the legislative branch who are paid by the Secretary of the Senate or the Clerk of the House of Representatives. |
| Selective Service Registration | 5 U.S.C. 3328 5 C.F.R. part 300 (Regulations of the Office of Personnel Management). | Provisions make a person required to register under the Selective Service who has not done so ineligible to apply to a position within an Executive agency. | Provision applies to the General Accounting Office. |
| Part-Time Career Employment Opportunities | 5 U.S.C. 3401 to 3408 5 C.F.R. part 340 generally (Regulations of the Office of Personnel Management). | Provisions require the heads of agencies to establish and maintain a program for part-time career employment. Restricts agencies' ability to abolish filled full-time positions to make room for part-time positions. Also protects full-time employees from being forced into part-time status. | Provisions apply to the Architect of the Capitol, the Botanic Garden, the General Accounting Office and the Library of Congress. |
| Retention preference | 5 U.S.C. 3501 to 3504 5 C.F.R. parts 351 & 432 (Regulations of the Office of Personnel Management). | Provisions create retention preferences and notice requirements in case of reduction in force, transfer of agency functions or replacement of an agency by another agency. | Provisions of law do not apply in the legislative branch (the General Accounting Office was removed from coverage by the General Accounting Office Personnel Act). However, the Office of Personnel Management's regulations apply to employees in the legislative branch whose positions are in the competitive service. |
| Reemployment after service with an international organization. | 5 U.S.C. 3581 to 3584 5 C.F.R. 352.301 et seq. (Regulations of the Office of Personnel Management). | Provisions protect the benefits, leave, and employment of certain employees who transfer temporarily to an international organization. | Provisions apply in the legislative branch. |
| Training | 5 U.S.C. 4101 to 4119 5 C.F.R. part 410 generally (Regulations of the Office of Personnel Management). | Provisions require the head of each agency to establish, operate, and maintain programs for training of employees in or under the agency in conformity with this law. | Provisions apply to the Government Printing Office, the Library of Congress, and the General Accounting Office. Section 4119 allows Architect of the Capitol to apply provisions of the law deemed necessary for the training of employees of the Architect of the Capitol and the Botanic Garden. |
| Performance Appraisals | 5 U.S.C. 4301 to 4305 5 C.F.R. parts 430 & 432 generally (Regulations of the Office of Personnel Management). | Provisions require each agency to develop performance appraisal systems to provide periodic appraisals of job performance of employees and to use the results of the performance appraisals in personnel decisions. | Provisions apply to the Government Printing Office. |
| Incentive awards for superior accomplishments | 5 U.S.C. 4501 to 4509 5 C.F.R. part 451 (Regulations of the Office of Personnel Management). | Provisions allow the head of an agency to reward employees in the form of a cash award over and above their regular salary, or, under OPM regulations, to give employees paid time off as an award in recognition of superior accomplishment. | Provisions apply to the Architect of the Capitol, the Botanic Garden, the General Accounting Office, the Government Printing Office, and the Library of Congress. |
| Awards for cost saving disclosures | 5 U.S.C. 4511 to 4513 | Provisions allow the Inspector General or other designated official of an executive agency to pay a cash award to an employee of the agency whose disclosure of fraud, waste, or mismanagement has resulted in cost savings for the agency. | Provisions apply to the General Accounting Office. |

TABLE B—PROVISIONS OF LAW THAT APPLY ONLY IN THE FEDERAL PUBLIC SECTOR—Continued

| Name or topic | U.S. Code provisions and corresponding Federal regulations, if any | Provisions that relate to the terms and conditions of employment, or to access to public services or accommodations | Whether or to what degree the provisions are applicable or inapplicable to the legislative branch |
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| Awards to law enforcement officers for foreign language capabilities. | 5 U.S.C. 4521 to 4523 | Provisions allow an agency to pay a cash award to law enforcement officers who possess and make substantial use of 1 or more foreign languages in the performance of official duties. | Provisions apply to the Architect of the Capitol, the Government Printing Office, the Library of Congress, and the Botanic Garden. (It has not been ascertained whether any of these agencies have the type of employee that would be covered by this provision.) |
| Pay Systems | 5 U.S.C. 5101 to 5392 5 C.F.R. generally (Regulations of the Office of Personnel Management). | Provisions establish the General Schedule classification system for pay, locality-based comparability payments, pay systems for other government entities, the Executive Schedule classification system, prevailing rates, grade and pay retention, and payment in certain circumstances of employees' student loans. | Most provisions apply to one or more legislative branch agencies, including the Library of Congress, the Government Printing Office, the Architect of the Capitol, and the Botanic Garden. |
| Withholding Pay | 5 U.S.C. 5511 to 5520a Regulations are promulgated by each individual agency subject to these provisions. | Allows withholding from employees' pay for payments such as debts to the United States, District of Columbia income taxes, other state taxes, state retirement systems, city or county income or employment taxes, debts owed to creditors following a legal process. | Most provisions apply in the legislative branch. |
| Dual Pay and Dual Employment | 5 U.S.C. 5531 to 5537 5 C.F.R. parts 550 & 553 (Regulations of the Office of Personnel Management). | Provisions impose restrictions on dual government employment, extra pay, and receiving two or more government paychecks at the same time. | Statutory provisions apply throughout the legislative branch. The regulations of the Office of Personnel Management apply to the General Accounting Office. |
| Premium Pay | 5 U.S.C. 5541 to 5550a 5 C.F.R. parts 550 and 551 (Regulations of the Office of Personnel Management). | Provisions allow for overtime pay for hours worked over 40 in a workweek or hours worked over 8 in a day, compensatory time off, and premium pay for holidays and Sundays, for certain employees of the Federal Government. | Statutory provisions apply to covered employees of covered legislative branch agencies, including the Library of Congress, the Botanic Garden, the Architect of the Capitol, the General Accounting Office and, in part, to the Government Printing Office as well. The regulations of the Office of Personnel Management apply to the General Accounting Office. |
| Payment for accumulated and accrued annual leave | 5 U.S.C. 5551 to 5553 | Provisions allow for employees to receive a lump sum payment for accumulated and accrued annual leave upon separation from government service. | Provisions apply in the legislative branch. |
| Payments to missing employees | 5 U.S.C. 5561 to 5570 32 C.F.R. part 718 (Regulations of the Department of the Army, DOD) 22 C.F.R. part 19 (Regulations of the Secretary of State). | Provisions allow for payments to employees who are missing in certain circumstances. | Provisions apply to the General Accounting Office. |
| Settlement of Accounts | 5 U.S.C. 5581 to 5584 4 C.F.R. parts 33, 91, 92 (Regulations of the General Accounting Office). | Provisions allow for payment of money due to an employee at the time of death of the employee and, in certain circumstances, for recoupment by the government of overpayments or erroneous payments to employees. | Provisions apply in the legislative branch. |
| Severance pay and Back pay | 5 U.S.C. 5595 to 5597 5 C.F.R. 550.701 et seq., 550.801 et seq. (Regulations of the Office of Personnel Management). | Provisions allow for severance pay upon separation from government service and back pay due to unjustified personnel actions in certain circumstances. | Provisions generally apply to the General Accounting Office, the Government Printing Office, and the Library of Congress. |
| Travel and subsistence expenses; Mileage allowances | 5 U.S.C. 5701 to 5709 41 C.F.R. parts 301 to 304 (Federal Travel Regulations). | Provisions establish rules and policies regarding per diems and traveling on official business, transportation expenses, mileage and related allowances, and subsistence and travel expenses for federal employees. | Provisions generally apply in the legislative branch. |
| Travel and transportation expenses for new appointees, student trainees, and transferred employees. | 5 U.S.C. 5721 to 5735 5 C.F.R. part 572 generally (Regulations of the Office of Personnel Management). | Provisions establish rules and policies for travel and transportation reimbursement for new appointees, student trainees, transferred employees, employees assigned to danger areas, and storage and other miscellaneous expenses. | Provisions apply to the General Accounting Office, the Library of Congress, the Botanic Garden, the Government Printing Office. |
| Basic 40-hour workweek; work schedules | 5 U.S.C. 6101 5 C.F.R. part 610 (Regulations of the Office of Personnel Management). | Provisions establish the 40-hour workweek and work schedules in the federal government. | Statutory provisions apply to the General Accounting Office, and are optional for the Library of Congress, the Botanic Garden, the Architect of the Capitol. The regulations of the Office of Personnel Management apply to the General Accounting Office. |
| Holidays | 5 U.S.C. 6103 and 6104 5 C.F.R. 610.301 et seq. (Regulations of the Office of Personnel Management). | Provisions establish statutory public holidays for government employees; also entitles daily, hourly, or piece-work employees to be paid for holidays. | Provisions apply in the legislative branch. |
| Flexible and Compressed Work Schedules | 5 U.S.C. 6120 to 6133 5 C.F.R. 610.401 et seq. (Regulations of the Office of Personnel Management). 5 C.F.R. 2472.6 (Regulations of the Federal Labor Relations Authority). | Provisions allow the heads of agencies to establish flexible work schedule programs and compressed work week schedules, within certain guidelines. | Statutory provisions apply to the General Accounting Office, the Government Printing Office, and the Library of Congress. The regulations of the Office of Personnel Management apply to the General Accounting Office. The Federal Labor Relations Authority regulations apply to the Government Printing Office and the Library of Congress. |
| Annual and Sick Leave | 5 U.S.C. 6301 to 6312 5 C.F.R. part 630 (Regulations of the Office of Personnel Management). | Provisions establish rules for government employees to accrue and accumulate annual and sick leave. | Provisions apply in the legislative branch except they do not apply to employees of the House of Representatives or the Senate. |
| Leave for jury or witness service | 5 U.S.C. 6322 | Provision entitles government employees to leave without loss of, or reduction in pay, or leave, for jury duty or to be a witness in a judicial proceeding in which the United States, the District of Columbia or a State or local government is a party. In certain situations, an employee called as a witness will be considered on official duty status. | Provision applies in the legislative branch except for individuals whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives. |
| Military Leave; Reserves and National Guardsmen | 5 U.S.C. 6323 | Provision entitles government employees to leave without loss of, or reduction in pay, etc. in connection with certain reserve duties, military training. | Provision applies in the legislative branch. |
| Absence resulting from hostile action abroad | 5 U.S.C. 6325 | Provision entitles government employees not to have leave charged to their account for up to one year if their leave is due to an injury incurred while serving abroad and resulting from war, insurgency, mob violence, or similar hostile action and not due to the employee himself. | Provision applies in the legislative branch. |
| Absence for funerals of immediate relatives in the Armed Forces. | 5 U.S.C. 6326 5 C.F.R. part 630 (Regulations of the Office of Personnel Management). | Provision entitles employees whose immediate relative has died as a result of wounds, disease or injury incurred while serving in the armed forces in a combat zone, to up to three days leave, without loss of pay, leave, etc. | Provisions applies to the General Accounting Office. |
| Absence in connection with serving as a bone-marrow or organ donor. | 5 U.S.C. 6327 | Provision entitles employees to leave without loss of or reduction in pay, leave, etc. when such employees need leave to serve as a bone-marrow or organ donor. | Provision applies to the General Accounting Office. |
| Voluntary transfers of leave and Voluntary Leave Bank Program. | 5 U.S.C. 6331 to 6373 5 C.F.R. part 630 (Regulations of the Office of Personnel Management). | Provisions establish policies under which annual leave accrued or accumulated by an employee may be (1) transferred to the annual leave account of any other employee if the recipient requires additional leave due to a medical emergency, or (2) contributed to a leave bank established by the employment agency and made available to any employee requiring it due to a medical emergency. | Provisions apply in the legislative branch except they do not apply to employees of the House of Representatives or the Senate. |

TABLE B—PROVISIONS OF LAW THAT APPLY ONLY IN THE FEDERAL PUBLIC SECTOR—Continued

| Name or topic | U.S. Code provisions and corresponding Federal regulations, if any | Provisions that relate to the terms and conditions of employment, or to access to public services or accommodations | Whether or to what degree the provisions are applicable or inapplicable to the legislative branch |
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| Family and Medical Leave | 5 U.S.C. 6381 to 6387 5 C.F.R. part 630 (Regulations of the Office of Personnel Management). | Provisions entitle an employee to take leave for certain family and medical related reasons. | Provisions apply in the legislative branch except they do not apply to employees of the House of Representatives or the Senate. Under section 202 of the CAA, the General Accounting Office and the Library of Congress are removed from coverage of these provisions and made subject to provisions of title 29 U.S.C., governing family and medical leave, effective one year after the study required by section 230 of the CAA is transmitted to Congress. Furthermore, employees of certain other legislative branch entities are included within the terms of both 5 U.S.C. 6381 to 6387 and section 202 of the CAA, which applies certain provisions of title 29, U.S.C., relating to family and medical leave. (See table A) |
| Federal Service Labor-Management Provisions | 5 U.S.C. 7101 to 7135 5 C.F.R. chapter 24 generally (Regulations of the Federal Labor Relations Authority). 142 Cong. Rec. H10369 to H10384, S10405 to S10420 (Sept. 12, 1996) (Regulations of the Office of Compliance under section 220(d) of the CAA. | Provisions protect the rights of employees in the Federal Government to form, join, or assist any labor organization, or to refrain from any such activity, without fear of penalty or reprisal. | Chapter 71 of title 5 and applicable regulations apply to the Government Printing Office and the Library of Congress. Certain provisions of chapter 71 were made applicable to the legislative branch by section 220 of the CAA. Among those provisions not made applicable are those relating to injunctive relief. However, the CAA generally required that the Board of Directors of the Office of Compliance issue implementation regulations that are the same as substantive regulations of the Federal Labor Relations Authority except where good cause existed to modify them. |
| Provisions relating to Anti-Discrimination in Employment | 5 U.S.C. 7201 to 7204 5 C.F.R. 720.101 et seq. (Regulations of the Office of Personnel Management). | Provisions establish policy to insure equal employment opportunities for employees without discrimination because of race, color, religion, sex, or national origin. Provisions prohibit discrimination on the basis of marital status or handicapping condition. Require executive agencies to recruit minorities. | Provision prohibiting discrimination on the basis of marital status or handicapping condition applies to competitive service positions in the legislative branch. |
| Employees' right to petition Congress | 5 U.S.C. 7211 | Provision protects employees' rights to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof. | Provision applies in the legislative branch. |
| Employment Limitations | 5 U.S.C. 7311 to 7313 5 C.F.R. part 732 (Regulations of the Office of Personnel Management). | Provide that an individual is ineligible to accept or hold a position in the Government of the United States or District of Columbia for certain specified reasons including if he advocates or is a member of an organization that advocates the overthrow of government; participates in a strike or asserts the right to strike, or is a member of an organization that asserts the right to strike against the U.S. or D.C. government. | Statutory provisions apply to the legislative branch. Office of Personnel Management regulations apply to competitive service positions in the legislative branch. |
| Political Participation | 5 U.S.C. 7321 to 7326 5 C.F.R. parts 733 to 734 (Regulations of the Office of Personnel Management). | Imposes various restrictions on the political activities of Federal employees. | Provisions apply to entities in the legislative branch with positions in the competitive service. |
| Foreign Gifts and Decorations | 5 U.S.C. 7342 Regulations are promulgated by each individual agency subject to these provisions. | Establishes and limits the right of government employees to accept gifts or decorations from foreign governments. | Provisions apply to employees in the legislative branch, as well as Members of Congress. |
| Misconduct | 5 U.S.C. 7351 to 7353 5 C.F.R. part 2635 generally (Regulations of the Office of Government Ethics) | Prohibits gifts to superiors and prohibits certain gifts to employees. | Statutory provisions apply to employees in the legislative branch. Regulations of the Office of Government Ethics apply only in the executive branch. |
| Adverse Actions | 5 U.S.C. 7501 to 7543 5 C.F.R. parts 752, 930, 990 (Regulations of the Office of Personnel Management). | Creates disciplinary proceedings and sanctions for employees under the Merit Systems Protections Board system. | Provisions apply to competitive service positions in the legislative branch. |
| Safety Programs | 5 U.S.C. 7902 | Requires the heads of agencies to develop and support organized safety promotion to reduce accidents and injuries among employees of the agency. | Provisions apply in the legislative branch. (NB: Executive Order 12196, which was promulgated under 5 U.S.C. 7902 and sets forth specific duties for heads of federal agencies in establishing health and safety programs, covers only executive branch agencies.) |
| Employee Assistance Programs relating to drug and alcohol abuse. | 5 U.S.C. 7904 | Requires the heads of Executive agencies to establish employee assistance programs for drug and alcohol abuse for employees of the agency. | Provisions apply to GAO. |
| Compensation for Work Injuries | 5 U.S.C. 8101 to 8193 20 C.F.R. parts 1, 10, 25 (Regulations of the Office of Worker's Compensation Programs, Dept. of Labor). 5 C.F.R. part 353 (Regulations of the Office of Personnel Management). | Provisions establish systems for compensation and job retention for employees injured, disabled or killed on the job. | Provisions apply in the legislative branch. |
| Civil Service Retirement and Federal Employees Retirement Systems. | 5 U.S.C. 8301 to 8407 5 C.F.R. parts 831, 841 to 846 (Regulations of the Office of Personnel Management). 5 C.F.R. chapter 16 (Regulations of the Federal Retirement Thrift Supervision Board). | Provisions establish retirement systems for employees of the United States Government (and others) and include annuities, thrift savings, retirement on disability, and early retirement. | Provisions apply in the legislative branch. |
| Unemployment Compensation | 5 U.S.C. 8501 to 8525 20 C.F.R. parts 609 & 614 (Regulations of the Employment and Training Administration, Dept. of Labor). | Provisions establish systems for payment of unemployment compensation by states to former federal employees. | Provisions apply in the legislative branch except they do not apply to Members of Congress. |
| Life Insurance | 5 U.S.C. 8701 to 8716 5 C.F.R. parts 870 to 874 (Regulations of the Office of Personnel Management). | Provisions establish system for life insurance for government employees. | Provisions apply in the legislative branch. |
| Health Insurance | 5 U.S.C. 8901 to 8914 5 C.F.R. parts 890 to 891 (Regulations of the Office of Personnel Management). | Provisions establish health insurance system for government employees. Provisions include continuation coverage similar to COBRA's. (See Table C). | Provisions apply in the legislative branch. |
| Provisions relating to criminal penalties for government employees. | 18 U.S.C. 203, 205, 207 to 209 Regulations are promulgated by each individual agency subject to these provisions. | Provisions imposed criminal penalties on certain government employees for, among other things, soliciting or taking bribes, acting as an agent or attorney for bringing claims against the United States, and for participating in an official capacity in official proceedings in which the employee may have a personal interest. The provisions also prohibit former government employees from participating in certain types of actions following their departure from the government. | Provisions apply in the legislative branch. |
| Provisions relating to illegal government employee contracts. | 18 U.S.C. 431 to 443 | Provisions impose criminal penalties on certain government employees for entering into contracts which, among other things, create a conflict of interest, or exceed appropriation amounts. | Certain provisions apply in the legislative branch. |
| Provisions relating to accounting generally for public money. | 18 U.S.C. 643 | Provisions impose criminal penalties for embezzlement of public monies by an officer, employee or agent of the United States, or of any department or agency thereof. | Provisions apply in the legislative branch. |
| Criminal penalties for certain violations by United States employees. | 18 U.S.C. 1913, 1915 to 1918 | Provisions impose criminal penalties on officers and employees of the United States, or of any department or agency thereof, for a variety of transgressions, including lobbying with appropriate moneys, unauthorized employment and disposition of lapsed appropriations, interference with civil service examinations, and disloyalty and asserting the right to strike against the government. | Provisions apply in the legislative branch. |

TABLE B—PROVISIONS OF LAW THAT APPLY ONLY IN THE FEDERAL PUBLIC SECTOR—Continued

| Name or topic | U.S. Code provisions and corresponding Federal regulations, if any | Provisions that relate to the terms and conditions of employment, or to access to public services or accommodations | Whether or to what degree the provisions are applicable or inapplicable to the legislative branch |
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| Provisions relating to discrimination on the basis of disability. | 29 U.S.C. 701 to 797(b) Regulations are promulgated by each individual agency subject to these provisions. | The Rehabilitation Act of 0000 requires affirmative action in federal employment, requires federal buildings to be accessible, and bars discrimination on the basis of disability by federal agencies. | The Rehabilitation Act and applicable regulations apply to the Government Printing Office and the Library of Congress. Section 201 of the CAA requires that “[a]ll personnel actions affecting covered employees shall be made free from any discrimination based on— . . . (3) disability, within the meaning of section 501 of the Rehabilitation Act of 1973. . . .” The CAA also provides that the remedy for a violation would be “(A) such remedy as would be appropriate if awarded under section 505(a)(1) of the Rehabilitation Act of 1973. . . ; and (B) such compensatory damages as would be appropriate if awarded under sections 1977A(a)(2), 1977A(a)(3), 1977A(b)(2), and, irrespective of the size of the employing office, 1977A(b)(3)(D) of the Revised Statutes. . . .” The Board has not adopted substantive regulations on employment-related disability discrimination. |
| Government Accounting Office Personnel Act | 31 U.S.C. 731 to 736, 751 to 755 4 C.F.R. parts 2 et seq. (Regulations of the Comptroller General and of the GAO Personnel Appeals Board). | Provisions authorize the Comptroller General to establish a personnel system for GAO, and create the Personnel Appeals Board System for GAO employees. These provisions require that the personnel system for GAO include rights and protections based on various provisions of employment and civil service law. | Provisions and regulations apply to the General Accounting Office. |
| Provisions relating to terms and conditions of employment for postal employees. | 39 U.S.C. 1001 to 1011, 1201 to 1209 39 C.F.R. parts 211, 255, 265, 760, 761, 946 (Regulations of the Postal Service). | Provisions establish framework for determining salaries, benefits, and leave for employees of the Postal Service. | Provisions do not apply in the legislative branch. |
| Provision relating to substance abuse among government and other employees. | 42 U.S.C. 290dd | Provision generally prohibits, with some exceptions, the denial of federal civilian employment or a federal professional license or right solely on the grounds of prior substance abuse. | Provisions apply in at least parts of the legislative branch. (See <i>Judd v. Billington</i> , 863 F.2d 103 (1988) (provision applies to employee of the Library of Congress).) |
| Provisions relating to enforcement of child support and alimony orders. | 42 U.S.C. 659 to 662 Regulations are promulgated by each individual agency subject to these provisions. | Provisions allow for the garnishment of wages of employees of the United States government for payment of child support and alimony. | Provisions apply in the legislative branch. |
| Provisions relating to design and construction of public buildings to accommodate physically handicapped persons. | 42 U.S.C. 4151 to 4157 41 C.F.R. parts 101 to 119 generally (Regulations of the General Services Administration) | Provisions require that United States public buildings and facilities be constructed to insure wherever possible that physically handicapped persons will have access and use of the building or facility. | Provisions of the law appear to apply on their face in the legislative branch. However, there is no enforceable right or remedy in the legislative branch. The standards enunciated by GSA in their regulations are, however, the same standards as those applied under title II of the ADA, which does apply in the legislative branch by virtue of section 210 of the CAA. |

TABLE C—PRIVATE-SECTOR AND STATE AND LOCAL GOVERNMENT PROVISIONS OF LAW FOR WHICH CORRESPONDING RIGHTS AND PROTECTIONS UNDER OTHER FEDERAL-SECTOR LAWS COVER THE LEGISLATIVE BRANCH

| Name or topic | U.S. Code provisions and corresponding Federal regulations, if any | Provisions that relate to the terms and conditions of employment, or to access to public services or accommodations | Whether or to what degree the provisions are applicable or inapplicable to the legislative branch |
|--|--|--|--|
| Government Employees Rights Act of 1991 (GERA) | 2 U.S.C. 1201–1220 | As amended by the CAA, GERA protects the rights of certain elected officials of State and local government and their confidential assistants with respect to their public employment, to be free from discrimination on the basis of race, color, religion, sex, national origin, age, and disability. | GERA does not apply to the legislative branch (except with respect to claims that arose before the effective date of the CAA). However, corresponding rights and protections of Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Americans with Disabilities Act, and the Rehabilitation Act were made applicable in the legislative branch by the CAA. |
| Immigration Reform and Control Act (IRCA) provisions | 8 U.S.C. 1324a 8 C.F.R. part 274a (regulations of the Immigration and Naturalization Service). | Provision of IRCA makes it illegal for employers to hire unauthorized aliens and requires employers to verify employment authorization. | Provision of IRCA does not apply in the legislative branch. However, the legislative branch has, in the context of appropriations bills, imposed citizenship restrictions (and, therefore some form of employment verification) on federal government hiring. (See, e.g. P.L. 104–52, title VI, 606, 109 Stat. 497 (Nov. 19, 1995)). |
| National Labor Relations Act (NLRA) | 29 U.S.C. 141 to 187 29 C.F.R. parts 100 to 103, 1401 to 1430 (Regulations of the National Labor Relations Board). | Encourages the practice of collective bargaining and protects the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection. | The NLRA does not apply in the legislative branch. However, the corresponding rights and protections of 5 U.S.C. chapter 71 were made applicable in the legislative branch by the CAA. |
| Employment Retirement Income Security Act (ERISA) | 29 U.S.C. 1001 to 1461 29 C.F.R. chapter 25 (Regulations of the Pension and Welfare Benefits Administration, Dept. of Labor). | ERISA governs the funding, vesting, and administration of pension plans with the goal of protecting interstate commerce, the Federal taxing power, and the interests of participants and beneficiaries of private pension plans. | ERISA does not apply in the legislative branch. However, the legislative branch is covered by the corresponding rights and protections of civil service provisions through the Federal Employee Retirement System (5 U.S.C. 8301 to 8479). |
| COBRA provisions | 29 U.S.C. 1161 to 1169 | Provisions require most employer-sponsored group health plans to offer employees the ability to continue receiving health benefits in certain situations, for certain period of time, and for certain premiums. | COBRA does not apply to government insurance plans. However, continuation coverage similar to that under COBRA was enacted for federal employees in the Federal Employees Health Benefits Amendments Act of 1988, codified at 5 U.S.C. 8905a. The Federal Employees Health Benefits Program, which includes the continuation coverage provided by the 1988 Act, is available to all federal employees, including legislative branch employees. |

TABLE D—PRIVATE-SECTOR AND STATE AND LOCAL GOVERNMENT LAWS THAT DO NOT APPLY OR CREATE NO ENFORCEABLE RIGHT IN THE LEGISLATIVE BRANCH

| Name or topic | U.S. Code provisions and corresponding Federal regulations, if any | Provisions that relate to the terms and conditions of employment, or to access to public services or accommodations | Whether or to what degree the provisions are applicable or inapplicable to the legislative branch |
|--|---|---|---|
| Immigration Reform and Control Act (IRCA) | 8 U.S.C. 1324b | Provision of IRCA prohibits employers from discriminating based on national origin or citizenship status. | IRCA does not, by its terms, appear to apply to the legislative branch. However, the national origin discrimination provisions do not apply to any employer that is covered by Title VII of the Civil Rights Act of 1964, and consequently, would not apply in the legislative branch. Further, with respect to the citizenship provisions, IRCA gives an "override" power to federal government agencies and employers by allowing them to exempt themselves from application of these provisions by regulation. |
| Prohibition of discrimination on the basis of bankruptcy .. | 11 U.S.C. 525 | Provision prohibits discrimination in employment by any "governmental unit" against any person who is or has been bankrupt or a debtor under this Act. Provision also applies in the private sector. | Although "governmental unit" includes the United States and a department, agency or instrumentality of the United States, as well as state and local governments, it is not clear that the provision applies in the legislative branch. |
| Restriction on discharge from employment by reason of garnishment. | 15 U.S.C. 1674(a) | Provision prohibits the discharge of an employee by reason of the fact that his earnings have been subjected to garnishment. Imposes a fine of up to \$1000 or imprisonment for willful violations.. | Provision applies in the private sector, where the Secretary of Labor has jurisdiction to enforce the law. However, the circuits are split as to whether this section allows for a private civil suit against an employer. As for government employers, it appears that, because there is no waiver of sovereign immunity, this provision creates no enforceable right in the legislative branch. |
| Protection of Juror's Employment Act | 28 U.S.C. 1875 | Law prohibits an employer from discharging, threatening to discharge, intimidating, or coercing any permanent employee because of the employee's jury service, or attendance in connection with such service, in any court of the United States. The provision allows an individual claiming discrimination under this law to sue in district court. Remedies may include reinstatement, damages for lost wages or other benefits, and a civil penalty of up to \$1000. | Provision does not appear to apply in the legislative branch. |
| Title II of the Civil Rights Act of 1964 (Title II) | 42 U.S.C. 2000a to 2000a-6 | Title II prohibits discrimination on the basis of race, color, religion, or national origin, in the provision of public accommodations. | Title II does not apply in the legislative branch. |
| Title III of the Civil Rights Act of 1964 (Title II) | 42 U.S.C. 2000b to 2000b-3 | Title III prohibits discrimination on the basis of race, color, religion, or national origin, in the provision of public services and facilities.. | Title III does not apply in the legislative branch. |
| Environmental Protection Statutes: Safe Drinking Water Act, Water Pollution Control Act, Toxic Substances Control Act, Solid Waste Disposal Act, Clean Air Act, and Energy Reorganization Act of 1974. | 42 U.S.C. 300j-9(i); 33 U.S.C. 1367; 15 U.S.C. 2622; 42 U.S.C. 6971; 42 U.S.C. 7622; 42 U.S.C. 5851. 29 C.F.R. 24.2 (Enforcement Procedures of the Secretary of Labor). | These statutory employee protection provisions provide that no employer subject to the provisions of the Federal statute of which these protective provisions are a part may discharge or otherwise discriminate against the employee with respect to compensation, terms, conditions, or privileges of employment because the employee, or any person acting on his behalf pursuant to the employee's request, commenced, or caused to be commenced proceedings under the statutes, testified or is about to testify in any such proceedings, or assisted or participated, or is about to assist or participate in any manner in proceedings under those statutes. | None of these statutes appears to apply to employing offices in the legislative branch. |
| Comprehensive, Environmental Response, Compensation, and Liability Act. (CERCLA). | 42 U.S.C. 9610 | Provides that no person shall fire or in any other way discriminate against, or cause to be fired or discriminated against, any employee or any authorized representative of employees by reason of the fact that such employee or representative has provided information to a State or to the Federal Government, filed, instituted, or caused to be filed or instituted any proceedings under CERCLA, or has testified or is about to testify in any administration or enforcement proceedings under CERCLA. | 42 U.S.C. 9620 applies CERCLA to each department, agency, and instrumentality of the United States (including the executive, legislative, and judicial branches of government) to the same extent, both procedurally and substantively, as any nongovernmental entity. It is unclear whether and to what extent there are facilities and operations of entities within the legislative branch that would come within the coverage of section 9620 and, therefore, within the coverage of section 9610. Moreover, given that the exclusive means of enforcement of section 9610 is through the Secretary of Labor, an executive agency, such employee protection provisions would not likely apply to legislative branch entities. |

INDEX OF STATUTORY AND REGULATORY PROVISIONS REVIEWED

TITLE 1 UNITED STATES CODE—GENERAL PROVISIONS

No provisions were found in title 1 that relate to the terms and conditions of employment.

TITLE 2 UNITED STATES CODE—THE CONGRESS

1. 2 U.S.C. 31 to end (except sections 1201–1220, 1301–1438, discussed below. Table B.

2. 2 U.S.C. 1201 to 1220—the Government Employees Rights Act of 1991. Table C.

3. 2 U.S.C. 1301 to 1438—the Congressional Accountability Act of 1995. 142 Cong. Rec. S3896 to S3952 generally—Regulations issued by the Board of Directors and the Executive Director of the Office of Compliance. Table B.

TITLE 3 UNITED STATES CODE—THE PRESIDENT

4. 3 U.S.C. 101 to 209—the President. Table B.

5. P.L. 104–331—The Presidential and Executive Office Accountability Act. Table B.

TITLE 4 UNITED STATES CODE—FLAG AND SEAL, SEAT OF GOVERNMENT AND THE STATES

No provisions were found in title 4 that relate to the terms and conditions of employment.

TITLE 5 UNITED STATES CODE—GOVERNMENT ORGANIZATION AND EMPLOYEES

6. 5 U.S.C.—Privacy Act. Regulations pursuant to the Privacy Act are promulgated by each individual agency subject to the Act. Table B.

7. 5 U.S.C. 1201 to 1222—Provisions establishing the Merit Systems Protection Board and Office of Special Counsel. 5 C.F.R. parts 12000 to 12009—Regulations of the Merit Systems Protection Board. 5 C.F.R. parts 1800 to 1850—Regulations of the Office of Special Counsel. Table B.

8. 5 U.S.C. 1501 et seq.—Provisions applying Hatch Act type restrictions to state and local employees in certain circumstances relates to grants to states. Not included in report.

9. 5 U.S.C. 2301 to 2305—Provisions establishing Merit Systems Principles. 5 C.F.R. parts 300 & 720—Regulations of the Office of Personnel Management. Table B.

10. 5 U.S.C. 3102—Authority to hire personal assistants for handicapped employees. Regulations are promulgated by each individual agency subject to these provisions. Table B.

11. 5 U.S.C. 3110—Restriction on employment of relatives. 5 C.F.R. part 310—Regulations of the Office of Personnel Management. Table B.

12. 5 U.S.C. 3112—Provision relating to appointment of disabled veterans. 5 C.F.R. 720.301 et seq.—Regulations of the Office of Personnel Management. Table B.

13. 5 U.S.C. 3131 to 3136, 3391 to 3397, 3591 to 3596, 4311 to 4315, 4507—Senior Executive Service. 5 C.F.R. parts 214, 293, 317,352, 359, 412, 430—Regulations of the Office of Personnel Management. Table B.

14. 5 U.S.C. chapter 33 general—Competitive Service. 5 C.F.R. generally—Regulations of the Office of Personnel Management. Table B.

15. 5 U.S.C. 3301—Civil Service. 5 C.F.R. parts 771 & 930—Regulations of the Office of Personnel Management. Table B.

16. 5 U.S.C. 3303—Political Recommendations. Table B.

17. 5 U.S.C. 3304(c)—Ramspeck Act provisions. 5 C.F.R. parts 315 to 316—Regulations of the Office of Personnel Management. Table B.

18. 5 U.S.C. 3328—Selective Service Registration. 5 C.F.R. part 300—Regulations of the Office of Personnel Management. Table B.

19. 5 U.S.C. 3401 to 3408—Part-Time Career Employment Opportunities. 5 C.F.R. part 340—Regulations of the Office of Personnel Management. Table B.

20. 5 U.S.C. 3501 to 3504—Retention preference. 5 C.F.R. parts 351 & 432—Regulations

of the Office of Personnel Management. Table B.

21. 5 U.S.C. 3581 to 3584—Reemployment after service with an international organization. 5 C.F.R. 352.301 *et seq.*—Regulations of the Office of Personnel Management. Table B.

22. 5 U.S.C. 4101 to 4119—Training. 5 C.F.R. part 410—Regulations of the Office of Personnel Management. Table B.

23. 5 U.S.C. 4301 to 4305—Performance Appraisals. 5 C.F.R. parts 430 & 432—Regulations of the Office of Personnel Management. Table B.

24. 5 U.S.C. 4501 to 4509—Incentive awards for superior accomplishments. 5 C.F.R. part 451—Regulations of the Office of Personnel Management. Table B.

25. 5 U.S.C. 4511 to 4513—Awards for cost saving disclosures. Table B.

26. 5 U.S.C. 4521 to 4523—Awards to law enforcement officers for foreign language capabilities. Table B.

27. 5 U.S.C. 5101 to 5392—Pay Systems. 5 C.F.R. generally—Regulations of the Office of Personnel Management. Table B.

28. 5 U.S.C. 5511 to 5520a—Withholding Pay. Regulations are promulgated by each individual agency subject to these provisions. Table B.

29. 5 U.S.C. 5531 to 5537—Dual Pay and Dual Employment. 5 C.F.R. parts 550 & 553—Regulations of the Office of Personnel Management. Table B.

30. 5 U.S.C. 5541 to 5550—Premium Pay. 5 C.F.R. parts 550 and 551—Regulations of the Office of Personnel Management. Table B.

31. 5 U.S.C. 5551 to 5553—Payment for accrued and accumulated annual leave. Table B.

32. 5 U.S.C. 5561 to 5570—Payments to missing employees. 32 C.F.R. part 718—Regulations of the Department of the Army, DOD. 22 C.F.R. part 19—Regulations of the Secretary of State. Table B.

33. 5 U.S.C. 5581 to 5584—Settlement of Accounts. 4 C.F.R. parts 33, 91, 92—Regulations of the General Accounting Office. Table B.

34. 5 U.S.C. 5595 to 5597—Severance pay and Back pay. 5 C.F.R. 550.701 *et seq.*, 550.801 *et seq.*—Regulations of the Office of Personnel Management. Table B.

35. 5 U.S.C. 5701 to 5709—Travel and subsistence expenses; Mileage allowances. 41 C.F.R. parts 301 to 304—Federal Travel Regulations. Table B.

36. 5 U.S.C. 5721 to 5735—Travel and transportation expenses for new appointees, student trainees, and transferred employees. 5 C.F.R. part 572—Regulations of the Office of Personnel Management. Table B.

37. 5 U.S.C. 6101—Basic 40-hour workweek; work schedules. 5 C.F.R. part 610—Regulations of the Office of Personnel Management. Table B.

38. 5 U.S.C. 6103 and 6104—Holidays. 5 C.F.R. 610.301 *et seq.*—Regulations of the Office of Personnel Management. Table B.

39. 5 U.S.C. 6120 to 6133—Flexible and Compressed Work Schedules. 5 C.F.R. 610.401 *et seq.*—Regulations of the Office of Personnel Management. 5 C.F.R. 2472.6—Regulations of the Federal Labor Relations Authority. Table B.

40. 5 U.S.C. 6301 to 6312—Annual and Sick Leave. 5 C.F.R. part 630—Regulations of the Office of Personnel Management. Table B.

41. 5 U.S.C. 6322—Leave for jury or witness service. Table B.

42. 5 U.S.C. 6323—Military Leave; Reserves and National Guardsmen. Table B.

43. 5 U.S.C. 6325—Absence resulting from hostile action abroad. Table B.

44. 5 U.S.C. 6326—Absence for funerals of immediate relatives in the Armed Forces. 5 C.F.R. part 630—Regulations of the Office of Personnel Management. Table B.

45. 5 U.S.C. 6327—Absence in connection with serving as a bone-marrow or organ donor. Table B.

46. 5 U.S.C. 6331 to 6340—Voluntary Transfers of Leave. 5 C.F.R. parts 630—Regulations of the Office of Personnel Management. Table B.

47. 5 U.S.C. 6361 to 6363—Voluntary Leave Bank Program. 5 C.F.R. part 630—Regulations of the Office of Personnel Management. Table B.

48. 5 U.S.C. 6381 to 6387—Family and Medical Leave. 5 C.F.R. part 630—Regulations of the Office of Personnel Management. Table B.

49. 5 U.S.C. 7101 to 7135—Federal Service Labor-Management Relations Provisions. 5 C.F.R. chapter 24—Regulations of the Federal Labor Relations Authority. 142 Cong. Rec. H10369 to H10384, S10405 to S10420—Regulations of the Office of Compliance. Table B.

50. 5 U.S.C. 7201 to 7204—Provisions relating to Anti-Discrimination in Employment. 5 C.F.R. 720.101 *et seq.*—Regulations of the Office of Personnel Management. Table B.

51. 5 U.S.C. 7211—Employees' right to petition Congress. Table B.

52. 5 U.S.C. 7311 to 7313—Employment Limitations. 5 C.F.R. part 732—Regulations of the Office of Personnel Management. Table B.

53. 5 U.S.C. 7321 to 7326—Political Participation. 5 C.F.R. parts 733 & 734—Regulations of the Office of Personnel Management. Table B.

54. 5 U.S.C. 7342—Foreign Gifts and Decorations. Regulations are promulgated by each individual agency subject to this provision. Table B.

55. 5 U.S.C. 7351 to 7353—Misconduct. 5 C.F.R. part 2635—Regulations of the Office of Government Ethics. Table B.

56. 5 U.S.C. 7501 to 7543—Adverse Actions. 5 C.F.R. parts 752, 930, 990—Regulations of the Office of Personnel Management. Table B.

57. 5 U.S.C. 7902—Safety Programs. Table B.

58. 5 U.S.C. 7904—Employee Assistance Programs relating to drug and alcohol abuse. Table B.

59. 5 U.S.C. 8101 to 8193—Compensation for Work Injuries. 20 C.F.R. parts 1, 10, 25—Regulations of the Office of Worker's Compensation Programs, Department of Labor. 5 C.F.R. part 353—Regulations of the Office of Personnel Management. Table B.

60. 5 U.S.C. 8301 to 8479—Civil Service Retirement and Federal Employees Retirement System.

5 C.F.R. parts 831, 841 to 846—Regulations of the Office of Personnel Management.

5 C.F.R. chapter 16—Regulations of the Federal Retirement Thrift Supervision Board. Table B.

61. 5 U.S.C. 8501 to 8525—Unemployment Compensation.

20 C.F.R. parts 609 & 614—Regulations of the Employment and Training Administration, Department of Labor. Table B.

62. 5 U.S.C. 8701 to 8716—Life insurance.

5 C.F.R. parts 870 to 874—Regulations of the Office of Personnel Management. Table B.

63. 5 U.S.C. 8901 to 8914—Health Insurance.

5 C.F.R. parts 890 & 891—Regulations of the Office of Personnel Management.

TITLE 6 UNITED STATES CODE—BONDS

Title 6 of the United States Code has been repealed.

TITLE 7 UNITED STATES CODE—AGRICULTURE

No provisions were found in title 7 that related to the terms and conditions of employment.

TITLE 8 UNITED STATES CODE—ALIENS AND NATIONALITY

64. 8 U.S.C. 1324a—Provisions of the Immigration Reform and Control Act, regarding unlawful employment of aliens.

8 C.F.R. part 274a—Regulations of the Immigration and Naturalization Service, Department of Justice. Table C.

65. 8 U.S.C. 1324b—Provisions of the Immigration Reform and Control Act, regarding unfair employment-related practices.

28 C.F.R. part 44—Regulations of the Department of Justice. Table D.

TITLE 9 UNITED STATES CODE—ARBITRATION

No provisions were found in title 9 that related to the terms and conditions of employment.

TITLE 10 UNITED STATES CODE—ARMED FORCES

No provisions were found in title 10 that related to terms and conditions of employment, other than those provisions involving terms and conditions of employment of members of the armed forces specifically.

TITLE 11 UNITED STATES CODE—BANKRUPTCY

66. 11 U.S.C. 525—Protection against discriminatory treatment on basis of bankruptcy. Table D.

TITLE 12 UNITED STATES CODE—BANKS AND BANKING

No provisions were found in title 12 that related to the terms and conditions of employment.

TITLE 13 UNITED STATES CODE—CENSUS

No provisions were found in title 13 that related to the terms and conditions of employment, other than those provisions involving compensation and dual and temporary employment of employees of the census bureau.

TITLE 14 UNITED STATES CODE—COAST GUARD

No provisions were found in title 14 that relate to terms and conditions of employment, other than those provisions involving terms and conditions of employment of members of the coast guard specifically.

TITLE 15 UNITED STATES CODE—COMMERCE AND TRADE

67. 15 U.S.C. 1673—Restrictions on Garnishment.

5 C.F.R. parts 581 and 582 generally—Regulations of the Office of Personnel Management. Table A.

68. 15 U.S.C. 1674a—Restriction on discharge from employment by reason of garnishment. Table D.

69. 15 U.S.C. 2622—Toxic Substances Control Act (Employee protection provisions). Table D.

TITLE 16 UNITED STATES CODE—CONSERVATION

No provisions were found in title 16 that related to the terms and conditions of employment, other than the establishment of a variety of commissions and boards.

TITLE 17 UNITED STATES CODE—COPYRIGHTS

No provisions were found in title 17 that relate to the terms and conditions of employment.

TITLE 18 UNITED STATES CODE—CRIMINAL CODE

70. 18 U.S.C. 203, 205, 207 to 209—Provisions relating to criminal penalties for government employees. Regulations are promulgated by each individual agency subject to these provisions. Table B.

71. 18 U.S.C. 431 to 443—Provisions relating to illegal government employee contracts. Table B.

72. 18 U.S.C. 600—Provision relating to promise of employment for political activity. Table A.

73. 17 U.S.C. 601—Provision relating to deprivation of employment for political contribution. Table A.

74. 18 U.S.C. 643—Provision relating to accounting generally for public money. Table B.

75. 18 U.S.C. 1581 and 1584—Provisions relating to peonage and involuntary servitude. Table A.

76. 18 U.S.C. 1913, 1915 to 1918—Criminal penalties for certain violations by officers or employees of the United States. Table B.

TITLE 19 UNITED STATES CODE—CUSTOMS AND DUTIES

No provisions were found in title 19 that relate to the terms and conditions of employment, other than provisions involving

terms and condition of employment for customs officers specifically.

TITLE 20 UNITED STATES CODE—EDUCATION

No provisions were found in title 20 that relate to terms and conditions of employment, other than those provisions involving terms and conditions of employment of certain teachers specifically.

TITLE 21 UNITED STATES CODE—FOOD AND DRUGS

No provisions were found in title 21 that relate to the terms and conditions of employment.

TITLE 22 UNITED STATES CODE—FOREIGN RELATIONS AND INTERCOURSE

No provisions were found in title 22 that relate to the terms and conditions of employment, other than provisions establishing agencies such as the IMF, the Foreign Service, the Peace Corps, and USIA.

TITLE 23 UNITED STATES CODE—HIGHWAYS

No provisions were found in title 23 that relate to the terms and conditions of employment.

TITLE 24 UNITED STATES CODE—HOSPITALS AND ASYLUMS

No provisions were found in title 24 that relate to the terms and conditions of employment.

TITLE 25 UNITED STATES CODE—INDIANS

No provisions were found in title 25 that relate to terms and conditions of employment, other than those that involve the hiring of Indians within the Indian Office specifically.

TITLE 26 UNITED STATES CODE—INTERNAL REVENUE CODE

No provisions were found in title 26 that relate to terms and conditions of employment.

TITLE 27 UNITED STATES CODE—INTOXICATING LIQUORS

No provisions were found in title 27 that relate to the terms and conditions of employment.

TITLE 28 UNITED STATES CODE—JUDICIARY

77. 28 U.S.C. 1875—Protection of Juror's Employment Act. Table D.

TITLE 29 UNITED STATES CODE—LABOR

78. 29 U.S.C. 141 to 187—National Labor Relations Act. 29 C.F.R. parts 100 to 103 and 1401 to 1430—Regulations of the National Labor Relations Board. Table C.

79. 29 U.S.C. 201 to 219—Fair Labor Standards Act. 29 C.F.R. parts 510 to 580—Regulations of the Secretary of Labor. 142 Cong. Rec. S3924 to S3949—Regulations of the Office of Compliance. Table A.

80. 29 U.S.C. 251 to 262—the Portal to Portal Act. 29 C.F.R. part 775—Regulations of the Secretary of Labor. 142 Cong. Rec. S3924 to S3949—Regulations of the Office of Compliance. Table A.

81. 29 U.S.C. 621 to 633a—Age Discrimination in Employment Act of 1967. 29 C.F.R. parts 1625 to 1627—Interpretations of the Equal Employment Opportunity Commission. Table A.

82. 29 U.S.C. 651 to 677—Occupational Safety and Health Act. 29 C.F.R. parts 1900 to 1926—Regulations of the Secretary of Labor. 142 Cong. Rec. H10711 to H10719, S11019 to S11027—Proposed regulations of the Office of Compliance. Table A.

83. 29 U.S.C. 701 to 797(b)—The Rehabilitation Act of 1973. Regulations are promulgated by each individual agency subject to these provisions. Table B.

84. 29 U.S.C.A. 1001 to 1461—Employee Retirement Income Security Act (ERISA). 29 C.F.R. chapter 25—Regulations of the Pension and Welfare Benefits Administration, Department of Labor. Table C.

85. 19 U.S.C. 1161 to 1169—COBRA provisions. Table C.

86. 29 U.S.C. 2001 to 2009—Employee Polygraph Protection Act. 29 C.F.R. part 801—Regulations of the Secretary of Labor. 142 Cong. Rec. S3917 to S3924—Regulations of the Office of Compliance. Table A.

87. 29 U.S.C. 2101 to 2109—Worker Adjustment Retraining and Notification Act. 20 C.F.R. part 639—Regulations of the Employment and Training Administration, Department of Labor. 142 Cong. Rec. S3949 to S3952—Regulations of the Office of Compliance. Table A.

88. 29 U.S.C. 2601 to 2654—Family and Medical Leave Act. 29 C.F.R. part 825—Regulations of the Secretary of Labor. 142 Cong. Rec. S3896 to S3917—Regulations of the Office of Compliance. Table A.

TITLE 30 UNITED STATES CODE—MINERAL LANDS AND MINING

No provisions were found in title 30 that relate to terms and conditions of employment other than those that involve terms and conditions of employment for individuals in the mining industry specifically.

TITLE 31 UNITED STATES CODE—MONEY AND FINANCE

89. 31 U.S.C. 731 to 736, 751 to 755—Government Accounting Office Personnel Act. 4 C.F.R. parts 2 et seq.—Regulations of the Comptroller General and of the GAO Personnel Appeals Board. Table B.

TITLE 32 UNITED STATES CODE—NATIONAL GUARD

No provisions were found in title 32 that relate to terms and conditions of employment other than those that involve terms and conditions of employment for members of the National Guard specifically.

TITLE 33 UNITED STATES CODE—NAVIGATION AND NAVIGABLE WATERS

90. 33 U.S.C. 1367—Water Pollution Control Act (Employee protection provisions). Table D.

TITLE 34 UNITED STATES CODE—NAVY

Incorporated into title 10 of the United States Code.

TITLE 35 UNITED STATES CODE—PATENTS

No provisions were found in title 35 that relate to terms and conditions of employment.

TITLE 36 UNITED STATES CODE—PATRIOTIC SOCIETIES AND OBSERVANCES

No provisions were found in title 36 that relate to terms and conditions of employment.

TITLE 37 UNITED STATES CODE—PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

No provisions were found in title 37 that relate to terms and conditions of employment other than those that involve terms and conditions of employment for members of the uniformed services.

TITLE 38 UNITED STATES CODE—VETERAN'S BENEFITS

91. 38 U.S.C. 4301 to 4333—Uniformed Services Employment and Reemployment Rights. 5 C.F.R. part 353 for executive branch—Regulations of the Office of Personnel Management. Table A.

TITLE 39 UNITED STATES CODE—POSTAL SERVICE

92. 39 U.S.C. 1001 to 1011, 1201 to 1209—Terms and conditions of employment for postal employees. 39 C.F.R. parts 211, 255, 265, 760, 761, 946—Regulations of the Postal Service. Table B.

TITLE 40 UNITED STATES CODE—PUBLIC BUILDINGS, PROPERTY, AND WORKS

No provisions were found in title 40 that relate to terms and conditions of employment other than those that involve con-

tractor laws and the establishment of Boards and Commissions.

TITLE 41 UNITED STATES CODE—PUBLIC CONTRACTS

No provisions were found in title 41 that relate to terms and conditions of employment other than those that involve contractor laws.

TITLE 42 UNITED STATES CODE—PUBLIC HEALTH AND WELFARE

93. 42 U.S.C. 290dd—Provision relating to substance abuse among government and other employees. Table B.

94. 42 U.S.C. 300j-9(i)—Safe Drinking Water Act (employee protection provisions). Table D.

95. 42 U.S.C. 401 to 433—Provisions relating to Social Security Insurance. 20 C.F.R. parts 404, 410, 416—Regulations of the Social Security Administration. 42 C.F.R. parts 405, 406, 424—Regulations of the Health Care Financing Administration, Health and Human Services. Table A.

96. 42 U.S.C. 659 to 662—Provisions relating to enforcement of child support and alimony orders. Regulations are promulgated by each individual agency subject to these provisions. Table B.

97. 42 U.S.C. 2000a to 2000a-6—Title II of the Civil Rights Act of 1964. Table D.

98. 42 U.S.C. 2000b to 2000b-3—Title III of the Civil Rights Act of 1964. Table D.

99. 42 U.S.C. 2000e to 2000e-17—Title VII of the Civil Rights Act of 1964. 29 C.F.R. part 1601 generally—Procedural regulations of the Equal Employment Opportunity Commission. Table A.

100. 42 U.S.C. 4151 to 4157—Provisions relating to design and construction of public buildings to accommodate physically handicapped persons. 41 C.F.R. parts 101 to 119 generally—Regulations of the General Services Administration. Table B.

101. 42 U.S.C. 5851—Energy Reorganization Act of 1974 (Employee protection provisions). Table D.

102. 42 U.S.C. 6971—Solid Waste Disposal Act (Employee protection provisions). Table D.

103. 42 U.S.C. 7622—Clean Air Act (Employee protection provisions). Table D.

104. 42 U.S.C. 9610—Comprehensive, Environmental Response, Compensation, and Liability Act (CERCLA) (Employee protection provisions). 29 C.F.R. 24.2—Enforcement procedures of the Secretary of Labor. Table D.

105. 42 U.S.C. 12101 to 12213—The Americans with Disabilities Act of 1990. 29 C.F.R. parts 1602, 1614, 1640, 1641—Record keeping and reporting requirements of the Equal Employment Opportunity Commission. 28 C.F.R. part 35—Regulations of the Attorney General. 49 C.F.R. parts 27, 37, 38—Regulations of the Secretary of Transportation. 142 Cong. Rec. H10676 to H10711, S10984 to S11019—Proposed regulations of the Office of Compliance. Table A.

TITLE 43 UNITED STATES CODE—PUBLIC LANDS

No provisions were found in title 43 that relate to the terms and conditions of employment.

TITLE 44 UNITED STATES CODE—PUBLIC PRINTING AND DOCUMENTS

No provisions were found in title 44 that relate to the terms and conditions of employment.

TITLE 45 UNITED STATES CODE—RAILROADS

No provisions were found in title 45 that relate to terms and conditions of employment other than those that prescribe terms and conditions of employment for railroad employees specifically, and the establishment of Boards and Commissions.

TITLE 46 UNITED STATES CODE—SHIPPING

No provisions were found in title 46 that relate to terms and conditions of employment other than those that prescribe terms and conditions of employment for shipping industry employees specifically.

TITLE 47 UNITED STATES CODE—TELEGRAPHS, TELEPHONES, AND RADIOTELEGRAPHS

No provisions were found in title 47 that relate to terms and conditions of employment.

TITLE 48 UNITED STATES CODE—TERRITORIES AND INSULAR POSSESSIONS

No provisions were found in title 48 that relate to terms and conditions of employment.

TITLE 49 UNITED STATES CODE—TRANSPORTATION

No provisions were found in title 49 that relate to terms and conditions of employment other than those that prescribe terms and conditions of employment for common carrier employees specifically.

TITLE 50 UNITED STATES CODE—WAR AND NATIONAL DEFENSE

No provisions were found in title 50 that relate to terms and conditions of employment other than those that prescribe terms and conditions of employment for CIA employees specifically.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MESSAGE FROM THE PRESIDENT—PM 1

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Pursuant to the requirements of 42 U.S.C. 3536, I transmit herewith the 31st Annual Report of the Department of Housing and Urban Development, which covers calendar year 1995.

WILLIAM J. CLINTON.

THE WHITE HOUSE, January 7, 1997.

REPORT OF THE DEPARTMENT OF ENERGY—MESSAGE FROM THE PRESIDENT—PM 2

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources.

To the Congress of the United States:

In accordance with the requirements of section 657 of the Department of Energy Organization Act (Public Law 95-91; 42 U.S.C. 7267), I transmit herewith the 31st Annual Report of the Department of Energy, which covers the years 1994 and 1995.

WILLIAM J. CLINTON.

THE WHITE HOUSE, January 7, 1997.

REPORT CONCERNING THE BIENNIAL REPORT ON HAZARDOUS MATERIALS—MESSAGE FROM THE PRESIDENT—PM 3

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

To the Congress of the United States:

In accordance with Public Law 103-272, as amended (49 U.S.C. 5121(e)), I transmit herewith the Biennial Report on Hazardous Materials Transportation for Calendar Years 1994-1995 of the Department of Transportation.

WILLIAM J. CLINTON.

THE WHITE HOUSE, January 7, 1997.

REPORT CONCERNING THE APPOINTMENT OF THE UNITED STATES TRADE REPRESENTATIVES—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE RECESS—PM 4

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on January 7, 1997, during the recess of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs.

To the Congress of the United States:

I am pleased to transmit herewith for your immediate consideration and enactment legislation to provide a waiver from certain provisions relating to the appointment of the United States Trade Representative.

This draft bill would authorize the President, acting by and with the advice and consent of the Senate, to appoint Charlene Barshefsky as the United States Trade Representative, notwithstanding any limitations imposed by certain provisions of law. The Lobbying Disclosure Act of 1995 amended the provisions of the Trade Act of 1974 regarding the appointment of the United States Trade Representative and the Deputy United States Trade Representatives by imposing certain limitations on their appointment. These limitations only became effective with respect to the appointment of the United States Trade Representative and Deputy United States Trade Representatives on January 1, 1996, and do not apply to individuals who were serving in one of those positions on that date and continue to serve in

them. Because Charlene Barshefsky was appointed Deputy United States Trade Representative on May 28, 1993, and has continued to serve in that position since then, the limitations in the Lobbying Disclosure Act, which became effective on January 1, 1996, do not apply to her in her capacity as Deputy United States Trade Representative and it is appropriate that they not apply to her if she is appointed to be the United States Trade Representative.

I have today nominated Charlene Barshefsky to be the next United States Trade Representative. She has done an outstanding job as Deputy United States Trade Representative since 1993 and as Acting United States Trade Representative for the last 9 months. I am confident she will make an excellent United States Trade Representative. I urge the Congress to take prompt and favorable action on this legislation.

WILLIAM J. CLINTON.

THE WHITE HOUSE, January 7, 1997.

MESSAGES FROM THE HOUSE RECEIVED SUBSEQUENT TO SINE DIE ADJOURNMENT

Under the authority of the order of the Senate of January 4, 1996, the Secretary of the Senate, on October 4, 1996, subsequent to the sine die adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mrs. MORELLA) has signed the following enrolled bills:

S. An act to amend the Magnuson Fishery Conservation and Management Act to authorize appropriations, to provide for sustainable fisheries, and for other purposes.

H.R. 3539. An act to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

H.R. 3723. An act to amend title 18, United States Code, to protect proprietary economic information, and for other purposes.

Under the authority of the order of the Senate of January 4, 1996, the enrolled bills were signed on October 4, 1996, during the sine die adjournment of the Senate by the President pro tempore (Mr. THURMOND).

Under the authority of the order of the Senate of January 4, 1996, the Secretary of the Senate, on October 9, 1996, subsequent to the sine die adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mrs. MORELLA) has signed the following enrolled bills and joint resolutions:

S. 342. An act to establish the Cache La Poudre River Corridor.

S. 1004. An act to authorize appropriations for the United States Coast Guard, and for other purposes.

S. 1194. An act to promote the research, identification, assessment, and exploration of marine mineral resources, and for other purposes.

S. 1649. An act to extend contracts between the Bureau of Reclamation and irrigation