

Calendar No. 710

103D CONGRESS
2D SESSION

H. R. 4822

[Report No. 103-397]

A BILL

To make certain laws applicable to the legislative
branch of the Federal Government.

OCTOBER 3 (legislative day, SEPTEMBER 12), 1994
Reported with an amendment and an amendment of the
title

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IN THE SENATE OF THE UNITED STATES

AUGUST 12 (legislative day, AUGUST 11), 1994

Received; read twice and referred to the Committee on Governmental Affairs

OCTOBER 3 (legislative day, SEPTEMBER 12), 1994

Reported by Mr. GLENN, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACTTo make certain laws applicable to the legislative branch
of the Federal Government.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 ~~SECTION 1. SHORT TITLE.~~

4 This Act may be cited as the “Congressional Ac-
 5 countability Act”.

6 ~~SEC. 2. DEFINITIONS.~~

7 As used in this Act:

1 (1) CONGRESSIONAL EMPLOYEE.—The term
2 “congressional employee” means—

3 (A) an individual on the payroll of an em-
4 ploying office of the House of Representatives;

5 (B) an individual on the payroll of an em-
6 ploying office of the Senate;

7 (C) an individual on the payroll of an em-
8 ploying office of the Architect of the Capitol;
9 and

10 (D) an individual on the payroll of an em-
11 ploying office of an instrumentality.

12 (2) EMPLOYEE IN THE HOUSE OF REPRESENT-
13 ATIVES.—The term “individual on the payroll of an
14 employing office in the House of Representatives”
15 means—

16 (A) an individual who is covered under
17 Rule LI of the House of Representatives, as in
18 effect on the day before the date of enactment
19 of this Act;

20 (B) any applicant for a position that is to
21 be occupied by an individual described in sub-
22 paragraph (A); or

23 (C) any individual who was formerly an
24 employee described in subparagraph (A) and

1 whose claim of a violation arises out of the indi-
2 vidual's employment.

3 ~~(3) EMPLOYEE IN THE SENATE.—~~The term
4 “individual on the payroll of an employing office in
5 the Senate” means—

6 (A) any employee whose pay is disbursed
7 by the Secretary of the Senate;

8 (B) any applicant for a position that is to
9 be occupied by an individual described in sub-
10 paragraph (A)); or

11 (C) any individual who was formerly an
12 employee described in subparagraph (A) and
13 whose claim of a violation arises out of the indi-
14 vidual's employment.

15 ~~(4) EMPLOYEE OF THE ARCHITECT OF THE~~
16 CAPITOL.—The term “individual on the payroll of an
17 employing office of the Architect of the Capitol”
18 means—

19 (A) an employee of the Architect of the
20 Capitol or an individual within the administra-
21 tive jurisdiction of the Architect of the Capitol
22 if such employee or individual is paid from
23 funds under a law providing appropriations for
24 the legislative branch;

1 (B) any applicant for a position that is to
2 be occupied by an employee or individual de-
3 scribed in subparagraph (A); or

4 (C) any individual who was formerly an
5 employee or individual described in subpara-
6 graph (A) and whose claim of a violation arises
7 out of the individual's employment.

8 (5) EMPLOYEE OF AN INSTRUMENTALITY.—

9 The term “individual on the payroll of an employing
10 office of an instrumentality” means—

11 (A) any individual on the payroll of an in-
12 strumentality of the legislative branch of the
13 Federal Government;

14 (B) any applicant for a position that is to
15 be occupied by an individual described in sub-
16 paragraph (A); or

17 (C) any individual who was formerly an
18 employee described in subparagraph (A) and
19 whose claim of a violation arises out of the indi-
20 vidual's instrumentality employment.

21 **SEC. 3. APPLICATION OF LAWS.**

22 (a) LAWS WHICH WILL APPLY.—On the date regula-
23 tions under section 5(b)(1) to implement the results of the
24 study under section 5(a)(1)(A) take effect, the following

1 laws shall apply, in accordance with section 5, to the legis-
2 lative branch of the Federal Government:

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

5 (2) Title VII of the Civil Rights Act of 1964
6 (42 U.S.C. 2000e et seq.).

7 (3) The Americans With Disabilities Act of
8 1990 (42 U.S.C. 12101 et seq.).

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

11 (5) The Family and Medical Leave Act of 1993
12 (29 U.S.C. 2611 et seq.).

13 (6) The Occupational Safety and Health Act of
14 1970 (other than section 19) (29 U.S.C. 651 et
15 seq.).

16 (7) Chapter 71 (relating to Federal labor man-
17 agement relations) of title 5, United States Code.

18 (8) The Employee Polygraph Protection Act of
19 1988 (29 U.S.C. 2001 et seq.).

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

22 (10) The Rehabilitation Act of 1973 (29 U.S.C.
23 791).

24 (11) Section 552 (relating to public informa-
25 tion) of title 5, United States Code.

1 ~~(12) Section 552a (relating to privacy) of title~~
2 ~~5, United States Code.~~

3 The laws referred to in this subsection which apply now
4 to congressional employees shall continue to apply to such
5 employees until the effective date such laws are made ap-
6 plicable in accordance with section 5.

7 ~~(b) LAWS WHICH MAY BE MADE APPLICABLE.—Any~~
8 provision of Federal law shall, to the extent that it relates
9 to—

10 ~~(1) the terms and conditions of employment (in-~~
11 ~~cluding hiring, promotion or demotion, salary and~~
12 ~~wages, overtime compensation, benefits, work assign-~~
13 ~~ments or reassignments, termination, and family and~~
14 ~~medical leave) of employees,~~

15 ~~(2) protection from discrimination in personnel~~
16 ~~actions, including discrimination based on—~~

17 ~~(A) race, color, religion, sex (including~~
18 ~~marital and parental status), or national origin~~
19 ~~within the meaning of section 717 of the Civil~~
20 ~~Rights Act of 1964 (42 U.S.C. 20003-16),~~

21 ~~(B) age within the meaning of section 13~~
22 ~~of the Age Discrimination in Employment Act~~
23 ~~of 1967 (29 U.S.C. 633a), or~~

24 ~~(C) handicap or disability within the mean-~~
25 ~~ing of section 501 of the Rehabilitation Act of~~

1 1973 (29 U.S.C. 791) and sections 102 through
2 104 of the Americans with Disabilities Act of
3 1990 (~~42 U.S.C. 12112–14~~), and
4 ~~(3) the health and safety of employees,~~
5 apply to the legislative branch of the Federal Government
6 in accordance with section 5.

7 **SEC. 4. OFFICE OF COMPLIANCE.**

8 ~~(a) ESTABLISHMENT.~~—There is established in the
9 legislative branch an Office of Compliance (hereinafter in
10 this Act referred to as the “Office”).

11 ~~(b) COMPOSITION.~~—

12 ~~(1) BOARD OF DIRECTORS.~~—The Office shall
13 have a Board of Directors. The Board of Directors
14 shall consist of 8 individuals appointed jointly by the
15 Speaker of the House of Representatives, the Major-
16 ity Leader of the Senate, and the Minority Leaders
17 of the House of Representatives and the Senate. Ap-
18 pointments of the first 8 members of the Board of
19 Directors shall be completed not later than 120 days
20 after the date of the enactment of this Act.

21 ~~(2) EXECUTIVE DIRECTOR.~~—The Chairperson
22 of the Board of Directors shall—

23 ~~(A) appoint,~~

24 ~~(B) establish the compensation of, and~~

25 ~~(C) terminate,~~

1 an executive director (referred to in this Act as the
 2 “executive director”), subject to the approval of the
 3 Board of Directors. The compensation of the execu-
 4 tive director may not exceed the annual rate of basic
 5 pay prescribed for level V of the Executive Schedule
 6 under section 5316 of title 5, United States Code.

7 ~~(c) BOARD OF DIRECTORS QUALIFICATIONS.—~~

8 (1) ~~IN GENERAL.~~—The members of the Board
 9 of Directors shall be individuals with training or ex-
 10 pertise in—

11 (A) the application of the laws referred to
 12 in section 3 to employment, and

13 (B) employment in the Congress.

14 ~~(2) SPECIFIC QUALIFICATIONS.—~~

15 (A) ~~LOBBYING.~~—No individual who en-
 16 gages in, or is otherwise employed in, lobbying
 17 of the Congress and who is required under the
 18 Federal Regulation of Lobbying Act to register
 19 with the Clerk of the House of Representatives
 20 or the Secretary of the Senate shall be consid-
 21 ered eligible for appointment to, or service on,
 22 the Board of Directors.

23 (B) ~~OFFICE.~~—No member of the Board of
 24 Directors appointed under subsection (b)(1)
 25 may hold or may have held the position of

1 Member of the House of Representatives, Sen-
2 ator, or employee of the House of Representa-
3 tives or the Senate.

4 ~~(3) HOLDING OFFICE.~~—If during a term of of-
5 fice a member of the Board of Directors engages in
6 an activity described in paragraph ~~(2)(A)~~, such posi-
7 tion shall be declared vacant and a successor shall
8 be selected in accordance with subsection ~~(b)(1)~~.

9 ~~(4) VACANCIES.~~—A vacancy in the Board of
10 Directors shall be filled in the manner in which the
11 original appointment was made.

12 ~~(d) BOARD OF DIRECTORS TERM OF OFFICE.~~—

13 ~~(1) IN GENERAL.~~—Except as provided in para-
14 graph ~~(2)~~, membership on the Board of Directors
15 shall be for 5 years. A member shall only be eligible
16 for appointment for a single term of office.

17 ~~(2) FIRST APPOINTMENTS.~~—Of the members
18 first appointed to the Board of Directors—

19 ~~(A) 2~~ shall have a term of office of 2
20 years,

21 ~~(B) 2~~ shall have a term of office of 3
22 years,

23 ~~(C) 2~~ shall have a term of office of 4
24 years, and

1 ~~(D)~~ 2 shall have a term of office of 5
2 years,
3 as designated at the time of appointment by the per-
4 sons specified in subsection ~~(b)(1)~~.

5 ~~(e)~~ CHAIRPERSON.—The Chairperson of the Board of
6 Directors shall be appointed from the members of the
7 Board of Directors by the members of the Board.

8 ~~(f)~~ COMPENSATION OF MEMBERS.—

9 ~~(1)~~ PER DIEM.—Each member of the Board of
10 Directors shall be compensated at a rate equal to
11 the daily equivalent of the annual rate of basic pay
12 prescribed for level V of the Executive Schedule
13 under section 5316 of title 5, United States Code,
14 for each day (including travel time) during which
15 such member is engaged in the performance of the
16 duties of the Board.

17 ~~(2)~~ TRAVEL EXPENSES.—Each member of the
18 Board of Directors shall receive travel expenses, in-
19 cluding per diem in lieu of subsistence, at rates au-
20 thorized for employees of agencies under subchapter
21 I of chapter 57 of title 5, United States Code, for
22 each day the member is engaged in the performance
23 of duties away from the home or regular place of
24 business of the member.

1 (g) OFFICE STAFF.—The executive director may ap-
2 point and fix the compensation of such staff, including
3 hearing officers, as are necessary to carry out this Act.

4 (h) DETAILEES.—The executive director may, with
5 the prior consent of the Government department or agency
6 concerned, use the services of any such department or
7 agency, including the services of members or personnel of
8 the General Accounting Office Personnel Appeals Board.

9 (i) CONSULTANTS.—In carrying out this Act, the ex-
10 ecutive director may procure the temporary (not to exceed
11 1 year) or intermittent services of individual consultants
12 or organizations thereof.

13 **SEC. 5. STUDY AND REGULATIONS.**

14 (a) INITIAL ACTION.—The Board of Directors shall
15 conduct a study of the manner in which the laws made
16 applicable to the legislative branch of the Federal Govern-
17 ment under section 3(a) should apply and include in the
18 study an examination of the procedures used by the in-
19 strumentalities to enforce the application of such laws and
20 a determination as to whether such procedures may be
21 used in lieu of sections 7 through 12. The Board of Direc-
22 tors shall complete such study and report the results to
23 Congress not later than 180 days after the date of the
24 first appointment of all the members of the Board of Di-
25 rectors.

1 ~~(b) CONTINUING ACTION.~~—On an ongoing basis the
2 Board of Directors—

3 ~~(1)~~ shall determine which of the laws referred
4 to in section 3~~(b)~~ should apply to the legislative
5 branch of the Federal Government and if it should,
6 the manner in which it should be made applicable;

7 ~~(2)~~ shall study the application to the legislative
8 branch of the Federal Government of provisions of
9 Federal law referred to in section 3 that are enacted
10 after the date of the enactment of this Act; and

11 ~~(3)~~ may propose regulations with respect to
12 such application in accordance with subsection ~~(b)~~.

13 ~~(c) REGULATIONS.~~—

14 ~~(1) LAWS MADE APPLICABLE.~~—

15 ~~(A) GENERAL RULE.~~—Not later than 180
16 days after the date of the completion of the
17 study under subsection ~~(a)(1)~~, the Board of Di-
18 rectors shall, in accordance with section 553 of
19 title 5, United States Code, propose regulations
20 that specify the manner in which the laws made
21 applicable to the legislative branch of the Fed-
22 eral Government under section 3~~(a)~~ shall apply.
23 The Board of Directors shall provide a period
24 of at least 30 days for comment on the pro-
25 posed regulations.

1 ~~(B) CONGRESSIONAL NOTICE.~~— In addi-
2 tion to publishing a general notice of proposed
3 rulemaking under section 553(b) of title 5,
4 United States Code, the Board of Directors
5 shall concurrently submit such notice for publi-
6 cation in the Congressional Record.

7 ~~(C) AMENDMENTS AND REPEALS.~~—When
8 proposing regulations under subparagraph (A)
9 specifying the manner in which a law referred
10 to in section 3(a) shall apply to the legislative
11 branch of the Federal Government, the Board
12 of Directors shall recommend to the Congress
13 changes in or repeals of existing law to accom-
14 modate the application of such law to the legis-
15 lative branch of the Federal Government.

16 ~~(D) FINAL REGULATIONS.~~—The Board of
17 Directors shall, in accordance with such section
18 553, issue final regulations not later than 60
19 days after the end of the comment period on
20 the proposed regulations.

21 ~~(2) CONTINUING ACTION.~~—

22 ~~(A) GENERAL RULE.~~—Not later than 180
23 days after the date of the completion of the
24 study or a determination under subsection (b),
25 the Board of Directors shall, in accordance with

1 section 553 of title 5, United States Code, pro-
2 pose regulations that specify which of the provi-
3 sions of Federal law considered in such study
4 shall apply to the legislative branch of the Fed-
5 eral Government. The Board of Directors shall
6 provide a period of at least 30 days for com-
7 ment on the proposed regulations.

8 (B) CONGRESSIONAL NOTICE.— In addi-
9 tion to publishing a general notice of proposed
10 rulemaking under section 553(b) of title 5,
11 United States Code, the Board of Directors
12 shall concurrently submit such notice for publi-
13 cation in the Congressional Record.

14 (C) AMENDMENTS AND REPEALS.—When
15 proposing regulations under subparagraph (A)
16 specifying which of the provisions of Federal
17 law referred to in section 3(b) shall apply to the
18 legislative branch of the Federal Government,
19 the Board of Directors shall recommend to the
20 Congress changes in or repeals of existing law
21 to accommodate the application of such law to
22 the legislative branch of the Federal Govern-
23 ment.

24 (D) FINAL REGULATIONS.— The Board of
25 Directors shall, in accordance with such section

1 553, issue final regulations not later than 60
2 days after the end of the comment period on
3 the proposed regulations.

4 ~~(3) REGULATION REQUIREMENTS.—~~Regulations
5 under paragraphs (1) and (2) shall be consistent
6 with the regulations issued by an agency of the exec-
7 utive branch of the Federal Government under the
8 provision of law made applicable to the legislative
9 branch of the Federal Government, including por-
10 tions relating to remedies.

11 ~~(d) TRANSMITTAL.—~~A final regulation issued under
12 subsection (c) shall be transmitted to the Congress for
13 consideration under subsection (c).

14 ~~(e) TAKING EFFECT OF REGULATIONS.—~~

15 ~~(1) GENERAL RULE.—~~Subject to subsection (f),
16 a final regulation which is issued under subsection
17 (c) shall take effect upon the expiration of 60 days
18 from the date the final regulation is issued unless
19 disapproved by the Congress by concurrent resolu-
20 tion.

21 ~~(2) CONCURRENT RESOLUTION.—~~A concurrent
22 resolution referred to in paragraph (1) shall be in-
23 troduced in the House of Representatives or the
24 Senate after the date on which the Board of Direc-
25 tors issues the final regulation to which the concur-

1 rent resolution applies. The matter after the resolv-
2 ing clause of the resolution shall be as follows:
3 “That Congress disapproves the issuance of final
4 regulations of the Office of Compliance as issued on
5 **XXXXXX** (the blank space being appropriately
6 filled in).”.

7 (f) IMPLEMENTING BILLS.—When a regulation is-
8 sued under subsection (c)(1) or (c)(2) takes effect under
9 subsection (e), the majority leader of the House of Rep-
10 resentatives and the majority leader of the Senate shall
11 introduce implementing bills on the date such regulation
12 takes effect.

13 (g) PROCEDURE FOR ACTION BY CONGRESS.—

14 (1) DEFINITION.—For purposes of subsection
15 (f) and this subsection, the term “implementing bill”
16 means—

17 (A) in the case of a bill introduced after
18 the transmittal to Congress of a regulation
19 under subsection (c)(1) which prescribes the
20 manner in which a law made applicable to the
21 legislative branch of the Federal Government
22 under section 5 shall apply, a bill which pre-
23 scribes, consistent with such regulation and any
24 recommendation made under subsection

1 (c)(1)(C) and without substantive change, the
2 manner in which such law shall apply; and

3 ~~(B)~~ in the case of a bill introduced after
4 the transmittal to Congress of a regulation
5 under subsection ~~(c)(2)~~ which prescribes which
6 law shall apply to the legislative branch of the
7 Federal Government and which prescribes the
8 manner in which such law shall apply, a bill
9 which prescribes, consistent with such regula-
10 tion and any recommendation made under sub-
11 section ~~(c)(1)(C)~~ and without substantive
12 change, that such law shall apply to the legisla-
13 tive branch of the Federal Government and the
14 manner in which such law shall apply.

15 ~~(2) REFERRAL.~~—When an implementing bill is
16 introduced it shall be referred to the committee with
17 jurisdiction over the law covered by the implement-
18 ing bill.

19 ~~(3) AMENDMENTS PROHIBITED.~~—No amend-
20 ment to an implementing bill shall be in order in ei-
21 ther the House of Representatives or the Senate;
22 and no motion to suspend the application of this
23 subsection shall be in order in either House, nor
24 shall it be in order in either House for the Presiding

1 Officer to entertain a request to suspend the appli-
2 cation of this subsection by unanimous consent.

3 (4) PERIOD FOR COMMITTEE AND FLOOR CON-
4 sideration.—

5 (A) GENERAL RULE.—Except as provided
6 in subparagraph (B), if the committee or com-
7 mittees of either House to which an implement-
8 ing bill has been referred have not reported it
9 at the close of the 45th day after its introduc-
10 tion, such committee or committees shall be
11 automatically discharged from further consider-
12 ation of the bill and it shall be placed on the
13 appropriate calendar. A vote on final passage of
14 the bill shall be taken in each House on or be-
15 fore the close of the 15th day after the bill re-
16 ported by the committee or committees of that
17 House to which it was referred, or after such
18 committee or committees have been discharged
19 from further consideration of the bill. If prior
20 to the passage by one House of an implement-
21 ing bill of that House, that House receives the
22 same implementing bill from the other House,
23 then—

1 (i) the procedure in that House shall
2 be the same as if no implementing bill had
3 been received from the other House; but

4 (ii) the vote on final passage shall be
5 on the implementing bill of the other
6 House.

7 (B) SENATE.—The provisions of subpara-
8 graph (A) shall not apply in the Senate to an
9 implementing bill. An implementing bill received
10 from the House shall be referred to the appro-
11 priate committee or committees of the Senate.
12 If such committee or committees have not re-
13 ported such bill at the close of the 15th day
14 after its receipt by the Senate (or, if later, be-
15 fore the close of the 45th day after the cor-
16 responding implementing bill was introduced in
17 the Senate), such committee or committees
18 shall be automatically discharged from further
19 consideration of such bill and it shall be placed
20 on the calendar. A vote on final passage of such
21 bill shall be taken in the Senate on or before
22 the close of the 15th day after such bill is re-
23 ported by the committee or committees of the
24 Senate to which it was referred, or after such

1 committee or committees have been discharged
2 from further consideration of such bill.

3 ~~(C) NUMBER OF DAYS.~~—For purposes of
4 subparagraphs (A) and (B), in computing a
5 number of days in either House, there shall be
6 excluded any day on which that House was not
7 in session.

8 ~~(5) FLOOR CONSIDERATION IN THE HOUSE.~~—

9 ~~(A) PRIVILEGES.~~—A motion in the House
10 of Representatives to proceed to the consider-
11 ation of an implementing bill shall be highly
12 privileged and not debatable. An amendment to
13 the motion shall not be in order, nor shall it be
14 in order to move to reconsider the vote by
15 which the motion is agreed to or disagreed to.

16 ~~(B) TIME.~~—Debate in the House of Rep-
17 resentatives on an implementing bill shall be
18 limited to not more than 20 hours, which shall
19 be divided equally between those favoring and
20 those opposing the bill. A motion further to
21 limit debate shall not be debatable. It shall not
22 be in order to move to recommit an implement-
23 ing bill or to move to reconsider the vote by
24 which an implementing bill is agreed to or dis-
25 agreed to.

1 (C) POSTPONEMENT.—Motions to post-
2 pone, made in the House of Representatives
3 with respect to the consideration of an imple-
4 menting bill, and motions to proceed to the con-
5 sideration of other business, shall be decided
6 without debate.

7 (D) APPEALS.—All appeals from the deci-
8 sions of the Chair relating to the application of
9 the Rules of the House of Representatives to
10 the procedure relating to an implementing bill
11 shall be decided without debate.

12 (E) OTHER RULES.—Except to the extent
13 specifically provided in the preceding provisions
14 of this subsection, consideration of an imple-
15 menting bill shall be governed by the Rules of
16 the House of Representatives applicable to
17 other bills in similar circumstances.

18 (6) FLOOR CONSIDERATION IN THE SENATE.—

19 (A) PRIVILEGES.—A motion in the Senate
20 to proceed to the consideration of an imple-
21 menting bill shall be privileged and not debat-
22 able. An amendment to the motion shall not be
23 in order, nor shall it be in order to move to re-
24 consider the vote by which the motion is agreed
25 to or disagreed to.

1 (B) ~~BILL TIME.~~—Debate in the Senate on
2 an implementing, and all debatable motions and
3 appeals in connection therewith, shall be limited
4 to not more than 20 hours. The time shall be
5 equally divided between, and controlled by, the
6 majority leader and the minority leader or their
7 designees.

8 (C) ~~MOTION OR APPEAL TIME.~~—Debate in
9 the Senate on any debatable motion or appeal
10 in connection with the implementing bill shall
11 be limited to not more than 1 hour, to be equal-
12 ly divided between, and controlled by, the mover
13 and the manager of the bill, except that in the
14 event the manager of the bill is in favor of any
15 such motion or appeal, the time in opposition
16 thereto, shall be controlled by the minority lead-
17 er or his designee. Such leaders, or either of
18 them, may, from time to time under their con-
19 trol on the passage of an implementing bill or
20 approval resolution, allot additional time to any
21 Senator during the consideration of any debat-
22 able motion or appeal.

23 (D) ~~OTHER MOTIONS.~~—A motion in the
24 Senate to further limit debate is not debatable.

1 A motion to recommit an implementing bill or
2 approval resolution is not in order.

3 **SEC. 6. OTHER FUNCTIONS.**

4 (a) **RULES OF THE OFFICE.**—The executive director
5 shall adopt rules governing the procedures of the Office,
6 including the procedures of hearing boards, which shall be
7 submitted for publication in the Congressional Record.
8 The rules may be amended in the same manner. The execu-
9 tive director may consult with the Chairman of the Ad-
10 ministrative Conference of the United States, the Legal
11 Counsel of the Senate, and the General Counsel of the
12 House of Representatives on the adoption of rules.

13 (b) **INVESTIGATIVE AUTHORITY.**—The executive di-
14 rector shall have authority to conduct such investigations
15 as the executive director requires to implement sections
16 8 through 10 and section 12.

17 (c) **DUTIES.**—The Office shall—

18 (1) carry out a program of education for Mem-
19 bers of Congress and other employing authorities of
20 the legislative branch of the Federal Government re-
21 specting the laws made applicable to them and a
22 program to inform individuals of their rights under
23 laws applicable to the legislative branch of the Fed-
24 eral Government and under sections 7 through 12,

1 (2) in carrying out the program under para-
2 graph (1), distribute the telephone number and ad-
3 dress of the Office, procedures for action under sec-
4 tions 7 through 12, and any other information the
5 executive director deems appropriate for distribution,
6 distribute such information to Members of Congress
7 and other employing authorities of the legislative
8 branch of the Federal Government in a manner suit-
9 able for posting, provide such information to new
10 employees of the legislative branch of the Federal
11 Government, distribute such information to the resi-
12 dences of congressional employees, and conduct sem-
13 inars and other activities designed to educate em-
14 ployers and employees in such information,

15 (3) compile and publish statistics on the use of
16 the Office by congressional employees, including the
17 number and type of contacts made with the Office,
18 on the reason for such contacts, on the number of
19 employees who initiated proceedings with the Office
20 under sections 7 through 12 and the result of such
21 proceedings, and on the number of employees who
22 filed a complaint under section 10, the basis for the
23 complaint, and the action taken on the complaint,
24 and

1 (4) within 180 days of the initial appointment
2 of the executive director and in conjunction with the
3 Clerk of the House of Representatives and the Sec-
4 retary of the Senate, develop a system for the collec-
5 tion of demographic data respecting the composition
6 of the congressional employees, including race, sex,
7 and wages, and a system for the collection of infor-
8 mation on employment practices, including family
9 leave and flexible work hours, in Congressional of-
10 fices.

11 **SEC. 7. PROCEDURE FOR CONSIDERATION OF ALLEGED**
12 **VIOLATIONS.**

13 The procedure for consideration of alleged violations
14 of laws made applicable to the legislative branch of the
15 Federal Government under the regulation promulgated
16 under section 5(b) applicable to such laws or under laws
17 enacted under section 5(f) applicable to such laws, which-
18 ever are in effect, consists of 4 steps as follows:

19 (1) Step I, counseling, as set forth in section 8.

20 (2) Step II, mediation, as set forth in section
21 9.

22 (3) Step III, formal complaint and hearing by
23 a hearing board, as set forth in section 10.

24 (4) Step IV, judicial review if a Congressional
25 employee is aggrieved by a dismissal under section

1 ~~10(c), a final decision under section 10(g), or an~~
2 ~~order under section 10(h) or if a Member of the~~
3 ~~House of Representatives or a Senator is aggrieved~~
4 ~~by a final decision under section 10(g) or would be~~
5 ~~subject to an order issued under section 10(h).~~

6 **SEC. 8. STEP I: COUNSELING.**

7 ~~(a) IN GENERAL.—A congressional employee alleging~~
8 ~~a violation of a law made applicable to the legislative~~
9 ~~branch of the Federal Government under section 5 may~~
10 ~~request counseling through the Office. The Office shall~~
11 ~~provide the employee with all relevant information with re-~~
12 ~~spect to the rights of the employee. A request for counsel-~~
13 ~~ing shall be made not later than 180 days after the alleged~~
14 ~~violation forming the basis of the request for counseling~~
15 ~~occurred.~~

16 ~~(b) PERIOD OF COUNSELING.—The period for coun-~~
17 ~~seling shall be 30 days unless the employee and the Office~~
18 ~~agree to reduce the period. The period shall begin on the~~
19 ~~date the request for counseling is received.~~

20 **SEC. 9. STEP II: MEDIATION.**

21 ~~(a) IN GENERAL.—Not later than 15 days after the~~
22 ~~end of the counseling period under section 8, the employee~~
23 ~~who alleged a violation of a law made applicable to the~~
24 ~~legislative branch of the Federal Government under sec-~~

1 tion 5 may file a request for mediation with the Office.

2 Mediation—

3 (1) may include the Office, the employee, the
4 employing office, and individuals who are rec-
5 ommended by organizations composed primarily of
6 individuals experienced in adjudicating or arbitrating
7 personnel matters, and

8 (2) shall be a process involving meetings with
9 the parties separately or jointly for the purpose of
10 resolving the dispute between the employee and the
11 employing office.

12 ~~(b) MEDIATION PERIOD.~~—The mediation period shall
13 be 30 days beginning on the date the request for mediation
14 is received and may be extended for an additional 30 days
15 at the discretion of the Office. The Office shall notify the
16 employee and the head of the employing office when the
17 mediation period has ended. For purposes of this section,
18 the term “head of employing office” means the individual
19 who has final authority to appoint, hire, discharge, and
20 set the terms, conditions, or privileges of the Congres-
21 sional employment of an employee.

22 **SEC. 10. STEP III: FORMAL COMPLAINT AND HEARING.**

23 ~~(a) FORMAL COMPLAINT AND REQUEST FOR HEAR-~~
24 ~~ING.~~—Not later than 30 days after receipt by the congres-
25 sional employee of notice from the Office of the end of

1 the mediation period under section 9, the congressional
2 employee may file a formal complaint with the Office. No
3 complaint may be filed unless the employee has made a
4 timely request for counseling and has completed the proce-
5 dures set forth in sections 8 and 9.

6 ~~(b) HEARING BOARD.~~—A board of 3 independent
7 hearing officers (hereinafter in this Act referred to as a
8 “hearing board”), who are not Members of the House of
9 Representatives, Senators, or officers or employees of the
10 House of Representatives or Senate, chosen by the execu-
11 tive director (one of whom shall be designated by the exec-
12 utive director as the presiding hearing officer) shall be as-
13 signed to consider each complaint filed under subsection
14 (a). The executive director shall appoint hearing officers
15 from candidates who are recommended by the Federal Me-
16 diation and Conciliation Service, the Administrative Con-
17 ference of the United States, or organizations composed
18 primarily of individuals experienced in adjudicating or ar-
19 bitrating personnel matters. A hearing board shall act by
20 majority vote.

21 ~~(c) DISMISSAL OF FRIVOLOUS CLAIMS.~~—Prior to a
22 hearing under subsection (d), a hearing board may dismiss
23 any claim that it finds to be frivolous.

24 ~~(d) HEARING.~~—A hearing shall be conducted—

1 (1) in closed session on the record by a hearing
2 board; and

3 (2) no later than 30 days after filing of the
4 complaint under subsection (a), except that the Of-
5 fice may, for good cause, extend up to an additional
6 60 days the time for conducting a hearing.

7 (e) DISCOVERY.—Reasonable prehearing discovery
8 may be permitted at the discretion of the hearing board.

9 (f) SUBPOENA POWER.—

10 (1) IN GENERAL.—A hearing board may au-
11 thorize subpoenas, which shall be issued by the pre-
12 siding hearing officer on behalf of the hearing board
13 under, in a matter involving the House of Rep-
14 resentatives, the seal of the House of Representa-
15 tives, for the attendance of witnesses at proceedings
16 of the hearing board and for the production of cor-
17 respondence, books, papers, documents, and other
18 records. The attendance of witnesses and the pro-
19 duction of evidence may be required from any place
20 within the United States.

21 (2) FAILURE TO OBEY A SUBPOENA.—If a per-
22 son refuses to obey a subpoena issued under para-
23 graph (1), the hearing board may apply to a United
24 States district court for an order requiring that per-
25 son to appear before the hearing board to give testi-

1 mony, produce evidence, or both, relating to the
2 matter under investigation. The application may be
3 made within the judicial district where the hearing
4 is conducted or where that person is found, resides,
5 or transacts business. Any failure to obey the order
6 of the court may be punished by the court as civil
7 contempt.

8 (3) SERVICE OF SUBPOENAS.—The subpoenas
9 of the hearing board shall be served in the manner
10 provided for subpoenas issued by a United States
11 district court under the Federal Rules of Civil Pro-
12 cedure for the United States district courts.

13 (4) SERVICE OF PROCESS.—All process of any
14 court to which application is to be made under para-
15 graph (2) may be served in the judicial district in
16 which the person required to be served resides or
17 may be found.

18 (5) IMMUNITY.—The hearing board is an agen-
19 cy of the United States for the purpose of part V
20 of title 18, United States Code (relating to immunity
21 of witnesses).

22 (g) HEARING BOARD DECISION.—As expeditiously as
23 possible, but in no case more than 45 days after the con-
24 clusion of the hearing, the hearing board shall make a de-
25 cision in the matter for which the hearing was held. The

1 decision of the hearing board shall be transmitted by the
2 Office to the employee and the employing office. The deci-
3 sion shall state the issues raised by the complaint, describe
4 the evidence in the record, and contain a determination
5 as to whether a violation of a law made applicable to the
6 legislative branch of the Federal Government under sec-
7 tion 5 has occurred. Any decision of the hearing board
8 shall contain a written statement of the reasons for the
9 hearing board's decision.

10 (h) REMEDY ORDER.—If the decision of the hearing
11 board under subsection (g) is that a violation of a law
12 made applicable to the legislative branch of the Federal
13 Government under section 5, it shall order the remedies
14 under such law as made applicable to the legislative
15 branch of the Federal Government under section 5, except
16 that no Member of the House of Representatives or Sen-
17 ator shall be personally liable for the payment of com-
18 pensation. The hearing board shall have no authority to
19 award punitive damages. The entry of an order under sub-
20 section shall constitute a final decision for purposes of ju-
21 dicial review under section 11.

22 (i) FUNDS.—There shall be established in the House
23 of Representatives and in the Senate a fund from which
24 compensation (including attorney's fees) may be paid in
25 accordance with an order under subsection (h) or as a re-

1 sult of judicial review under section 11. From the outset
 2 of any proceeding in which compensation may be paid
 3 from a fund of the House of Representatives, the General
 4 Counsel of the House of Representatives may provide the
 5 respondent with representation.

6 **SEC. 11. JUDICIAL REVIEW.**

7 (a) IN GENERAL.—

8 (1) TYPES OF REVIEW.—Following any hearing
 9 under section 10 on a complaint relating to a provi-
 10 sion of law described in section 3(a), any congres-
 11 sional employee aggrieved by a dismissal of a claim
 12 under section 10(c), a final decision under section
 13 10(g), a final order under section 10(h), or any
 14 Member of the House of Representatives or Senator
 15 aggrieved by a final decision under section 10(g) or
 16 a final order under section 10(h), may—

17 (A) bring a civil action in a district court
 18 of the United States for a de novo review of
 19 such dismissal or of the alleged violation of law
 20 with respect to which such decision or order
 21 was issued if the law applicable to such dismis-
 22 sal or violation authorizes such a review; or

23 (B) petition for review by the United
 24 States Court of Appeals for the Federal Circuit.

1 If in an action brought under subparagraph (A) a
2 court determines that a dismissal was not authorized
3 or a violation of law occurred, the court may only
4 enter an order described in section 10(h).

5 (2) PROVISIONS APPLICABLE TO REVIEW BY
6 COURT OF APPEALS.—The following provisions apply
7 to a review under paragraph (1)(B):

8 (A) LAW APPLICABLE.—Chapter 158 of
9 title 28, United States Code, shall apply—

10 (i) with respect to section 2344 of
11 title 28, United States Code, service of the
12 petition shall be on the House or Senate
13 Legal Counsel, or the appropriate entity of
14 an instrumentality, as the case may be,
15 rather than on the Attorney General;

16 (ii) the provisions of section 2348 of
17 title 28, United States Code, on the au-
18 thority of the Attorney General, shall not
19 apply;

20 (iii) the petition for review shall be
21 filed not later than 90 days after the entry
22 in the Office of a final decision under sec-
23 tion 10(g), an order under section 10(h);

1 (iv) the Office shall be an “agency” as
2 that term is used in chapter 158 of title
3 28, United States Code; and

4 (v) the Office shall be the respondent
5 in any proceeding under subparagraph (A).

6 (B) STANDARD OF REVIEW.—To the ex-
7 tent necessary to decision and when presented,
8 the court shall decide all relevant questions of
9 law and interpret constitutional and statutory
10 provisions. The court shall set aside a dismissal
11 under section 10(c), a final decision under sec-
12 tion 10(g), or an order under section 10(h) if
13 it is determined that the dismissal, decision, or
14 order was—

15 (i) arbitrary, capricious, an abuse of
16 discretion, or otherwise not consistent with
17 law;

18 (ii) not made consistent with required
19 procedures; or

20 (iii) unsupported by substantial evi-
21 dence.

22 (C) RECORD.—In making determinations
23 under subparagraph (B), the court shall review
24 the whole record, or those parts of it cited by
25 a party, and due account shall be taken of the

1 rule of prejudicial error. The record on review
2 shall include the record before the hearing
3 board, the decision of the hearing board, and
4 the order of the hearing board.

5 (3) INFORMATION.—Any petitioner seeking in-
6 formation from an office of the legislative branch of
7 the Federal Government that is aggrieved by a final
8 decision of the Office under section 10(g), may peti-
9 tion for review of the decision by the District Court
10 of the United States for the District of Columbia.
11 Such review shall be conducted in accordance with
12 subparagraphs (B), (C), (E), (F), and (G) of section
13 552(a)(4) of title 5, United States Code.

14 (b) ATTORNEY'S FEES.—If a congressional employee
15 is the prevailing party in a proceeding under this section,
16 attorney's fees for the judicial proceeding may be allowed
17 by the court in accordance with the standards prescribed
18 under section 706(k) of the Civil Rights Act of 1964 (42
19 U.S.C. 2000e-5(k)).

20 **SEC. 12. RESOLUTION OF COMPLAINT.**

21 If, after a formal complaint is filed under section 10,
22 the employee and the head of the employing office resolve
23 the issues involved, the employee may withdraw the com-
24 plaint or the parties may enter into a written agreement,
25 subject to the approval of the executive director.

1 **SEC. 13. PROHIBITION OF INTIMIDATION.**

2 Any intimidation of, or reprisal against, any employee
3 by any Member of the House of Representatives, Senator,
4 or officer or employee of the House of Representatives or
5 Senate, by the Architect of the Capitol or anyone employed
6 by the Architect of the Capitol, or by an instrumentality
7 of the legislative branch of the Federal Government be-
8 cause of the exercise of a right under this Act constitutes
9 an unlawful employment practice, which may be remedied
10 in the same manner under this Act as is a violation of
11 a law made applicable to the legislative branch of the Fed-
12 eral Government under section 5.

13 **SEC. 14. CONFIDENTIALITY.**

14 (a) COUNSELING.—All counseling shall be strictly
15 confidential except that the Office and the employee may
16 agree to notify the head of the employing office of the
17 allegations.

18 (b) MEDIATION.—All mediation shall be strictly
19 confidential.

20 (c) HEARINGS.—Except as provided in subsections
21 (d) and (e), the hearings, deliberations, and decisions of
22 the hearing board shall be confidential.

23 (d) RELEASE OF RECORDS FOR JUDICIAL ACTION.—
24 The records and decisions of hearing boards may be made
25 public if required for the purpose of judicial action under
26 section 9.

1 (e) ACCESS BY COMMITTEES OF CONGRESS.—At the
 2 discretion of the executive director, the executive director
 3 may provide to the Committee on Standards of Official
 4 Conduct of the House of Representatives and the Select
 5 Committee on Ethics of the Senate access to the records
 6 of the hearings and decisions of the hearing boards, in-
 7 cluding all written and oral testimony in the possession
 8 of the hearing boards, concerning a decision under section
 9 10(g). The executive director shall not provide such access
 10 until the executive director has consulted with the individ-
 11 ual filing the complaint at issue in the hearing, and until
 12 the hearing board has issued the decision.

13 (f) COORDINATION.—The executive director shall co-
 14 ordinate the executive director's proceedings with the
 15 Committee on Standards and Official Conduct of the
 16 House of Representatives and the Select Committee on
 17 Ethics of the Senate to ensure effectiveness, to avoid du-
 18 plication, and to prevent penalizing cooperation by re-
 19 spondents in the respective proceedings.

20 **SEC. 15. POLITICAL AFFILIATION AND PLACE OF RESI-**
 21 **DENCE.**

22 (a) IN GENERAL.—It shall not be a violation of a law
 23 made applicable to the legislative branch of the Federal
 24 Government under section 5 to consider the—

25 (1) party affiliation,

1 ~~(2) domicile, or~~
2 ~~(3) political compatibility with the employing~~
3 ~~office,~~
4 ~~of a congressional employee with respect to employment~~
5 ~~decisions.~~

6 ~~(b) DEFINITION.—For purposes of subsection (a),~~
7 ~~the term “employee” means—~~

- 8 ~~(1) an employee on the staff of the House of~~
9 ~~Representatives or Senate leadership,~~
10 ~~(2) an employee on the staff of a committee or~~
11 ~~subcommittee,~~
12 ~~(3) an employee on the staff of a Member of~~
13 ~~the House of Representatives or Senate,~~
14 ~~(4) an officer or employee of the House of Rep-~~
15 ~~resentatives or Senate elected by the House of Rep-~~
16 ~~resentatives or Senate or appointed by a Member of~~
17 ~~the House of Representatives or Senate, other than~~
18 ~~those described in paragraphs (1) through (3), or~~
19 ~~(5) an applicant for a position that is to be oc-~~
20 ~~cupied by an individual described in paragraphs (1)~~
21 ~~through (4).~~

22 **SEC. 16. OTHER REVIEW PROHIBITED.**

23 No congressional employee may commence a judicial
24 proceeding to redress practices prohibited under section
25 5, except as provided in this Act.

1 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

2 (a) *SHORT TITLE.*—This Act may be cited as the
3 “Congressional Accountability Act of 1994”.

4 (b) *TABLE OF CONTENTS.*—The table of contents for
5 this Act is as follows:

Sec. 1. Short title and table of contents.

Sec. 2. Findings and purposes.

Sec. 3. Definitions.

*TITLE I—EXTENSION OF RIGHTS AND PROTECTIONS, AND
ASSOCIATED PROCEDURES*

Sec. 101. Rights and protections under laws against employment discrimination.

Sec. 102. Rights and protections under the Family and Medical Leave Act.

Sec. 103. Rights and protections under the Fair Labor Standards Act.

*Sec. 104. Procedures for remedy of employment discrimination, family and medi-
cal leave, and fair labor standards violations.*

*Sec. 105. Rights and protections under title II of the Americans with Disabilities
Act of 1990; procedures for remedy of violations.*

*Sec. 106. Rights and protections under the Occupational Safety and Health Act
of 1970; procedures for remedy of violations.*

*Sec. 107. Application of Federal service labor-management relations statute; pro-
cedures for implementation and enforcement.*

*Sec. 108. Study and recommendations regarding General Accounting Office, Gov-
ernment Printing Office, and Library of Congress.*

*TITLE II—OFFICE OF CONGRESSIONAL FAIR EMPLOYMENT
PRACTICES—ESTABLISHMENT AND OPERATIONS*

Sec. 201. Establishment of Office of Congressional Fair Employment Practices.

Sec. 202. Board of Directors.

Sec. 203. Officers, staff, and other personnel.

Sec. 204. Rulemaking by the Office.

Sec. 205. Information program.

Sec. 206. Data collection and report.

Sec. 207. Expenses of the Office.

*TITLE III—ADMINISTRATIVE AND JUDICIAL DISPUTE-RESOLUTION
PROCEDURES*

Sec. 301. Counseling.

Sec. 302. Mediation.

Sec. 303. Complaint and hearing.

Sec. 304. Appeal to the Board.

Sec. 305. Judicial review of a final decision.

Sec. 306. Civil actions.

Sec. 307. Time limitations.

Sec. 308. Settlement of complaints.

Sec. 309. Confidentiality.

Sec. 310. Disclosure to committees of Congress.

Sec. 311. Representation.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Expedited procedures for congressional consideration of substantive rules.

Sec. 402. Exercise of rulemaking powers.

Sec. 403. Settlement and awards reserves; authorization of appropriations.

Sec. 404. Other judicial review prohibited.

Sec. 405. Severability.

Sec. 406. Political affiliation and place of residence.

Sec. 407. Nondiscrimination rules of the House and Senate.

Sec. 408. Reports of congressional committees.

Sec. 409. Technical and conforming amendments.

Sec. 410. Savings provision.

1 SEC. 2. FINDINGS AND PURPOSES.

2 (a) *FINDINGS.*—*The Congress makes the following*
3 *findings:*

4 (1) *All employees of the House of Representa-*
5 *tives, of the Senate, and of the congressional instru-*
6 *mentalities are entitled to fundamental rights and*
7 *protections provided by law to private and other pub-*
8 *lic employees.*

9 (2) *The Congress has made notable progress in*
10 *ensuring that such rights and protections are afforded*
11 *to these legislative branch employees, by—*

12 (A) *extending to employees of the House of*
13 *Representatives the provisions of the Civil Rights*
14 *Act of 1964, the Americans with Disabilities Act*
15 *of 1990, the Family and Medical Leave Act of*
16 *1993, and the Fair Labor Standards Act of*
17 *1938;*

18 (B) *extending to employees of the Senate the*
19 *provisions of the Civil Rights Act of 1964, the*

1 *Age Discrimination in Employment Act of 1967,*
2 *the Rehabilitation Act of 1973, the Americans*
3 *with Disabilities Act of 1990, and the Family*
4 *and Medical Leave Act of 1993; and*

5 *(C) extending to employees of congressional*
6 *instrumentalities numerous rights and protec-*
7 *tions under employment laws.*

8 *(3) The Congress should expand on this base of*
9 *rights and protections by eliminating gaps in cov-*
10 *erage and extending coverage so as to assure to legis-*
11 *lative branch employees the rights and protections of*
12 *laws on employment discrimination, family and med-*
13 *ical leave, fair labor standards, labor-management re-*
14 *lations, and occupational safety and health.*

15 *(4) The Congress should likewise establish*
16 *prompt, fair, and independent processes to resolve dis-*
17 *putes and to enforce employee rights and protections,*
18 *building on and strengthening the dispute resolution*
19 *and enforcement procedures already established by the*
20 *Government Employees Rights Act of 1991 (2 U.S.C.*
21 *1201 et seq.), section 117 of the Civil Rights Act of*
22 *1991 (2 U.S.C. 60l), and other relevant enactments*
23 *and rules of Congress.*

24 *(5) The extension of employee rights and protec-*
25 *tions affecting employees of the Architect of the Cap-*

1 *itol and the Capitol Police should be accomplished in*
2 *a manner that ensures that they are treated in a con-*
3 *sistent manner regardless of their place of assignment*
4 *within the Congress.*

5 *(6) The extension of employee rights and protec-*
6 *tions should be accomplished in a manner that is con-*
7 *sistent with the responsibilities and functions of the*
8 *House of Representatives and the Senate under the*
9 *Constitution.*

10 *(b) PURPOSES.—The purposes of this Act are to elimi-*
11 *nate gaps in coverage, extend coverage, and establish*
12 *prompt, fair, and independent dispute resolution and en-*
13 *forcement procedures, for rights and protections established*
14 *by—*

15 *(1) title VII of the Civil Rights Act of 1964;*

16 *(2) the Fair Labor Standards Act of 1938;*

17 *(3) the Age Discrimination in Employment Act*
18 *of 1967;*

19 *(4) title I and title II of the Americans with Dis-*
20 *abilities Act of 1990;*

21 *(5) section 501 of the Rehabilitation Act of 1973;*

22 *(6) the Family and Medical Leave Act of 1993;*

23 *(7) the Occupational Safety and Health Act of*
24 *1970; and*

1 (8) chapter 71 of title 5, United States Code
2 (commonly known as the “Federal Service Labor-
3 Management Relations Statute”).

4 **SEC. 3. DEFINITIONS.**

5 *Except as otherwise specifically provided in this Act,*
6 *as used in this Act:*

7 (1) *BOARD.*—The term “Board” means the
8 Board of Directors of the Office of Congressional Fair
9 Employment Practices appointed under section 202.

10 (2) *CALENDAR DAY OF CONTINUOUS SESSION.*—
11 The term “calendar day of continuous session” means
12 a calendar day other than one on which either House
13 is not in session because of an adjournment of more
14 than three days to a date certain.

15 (3) *CHAIR.*—The term “Chair” means the Chair
16 of the Board of Directors of the Office of Congres-
17 sional Fair Employment Practices appointed under
18 section 202(b).

19 (4) *COVERED EMPLOYEE.*—The term “covered
20 employee” means any employee of—

21 (A) the House of Representatives;

22 (B) the Senate;

23 (C) the Architect of the Capitol;

24 (D) the Congressional Budget Office;

25 (E) the Office of Technology Assessment; or

1 (F) *the Office of Congressional Fair Em-*
2 *ployment Practices.*

3 (5) *DIRECTOR.*—*The term “Director” means the*
4 *Director of the Office of Congressional Fair Employ-*
5 *ment Practices appointed under section 203(a).*

6 (6) *EMPLOYEE OF THE ARCHITECT OF THE CAP-*
7 *ITOL.*—*The term “employee of the Architect of the*
8 *Capitol”, means—*

9 (A) *any employee of the Architect of the*
10 *Capitol, the Botanic Garden, or the Senate Res-*
11 *taurants;*

12 (B) *any applicant for a position that is to*
13 *be occupied by an individual described in sub-*
14 *paragraph (A) and whose claim of a violation*
15 *under this Act arises out of the application; and*

16 (C) *any individual who was formerly an*
17 *employee described in subparagraph (A) and*
18 *whose claim of a violation under this Act arises*
19 *out of the employment.*

20 (7) *EMPLOYEE OF CERTAIN CONGRESSIONAL IN-*
21 *STRUMENTALITIES.*—*The terms “employee of the Con-*
22 *gressional Budget Office”, “employee of the Office of*
23 *Technology Assessment”, and “employee of the Office*
24 *of Congressional Fair Employment Practices” mean,*
25 *respectively—*

1 (A) any employee of the Congressional
2 Budget Office, the Office of Technology Assess-
3 ment, or the Office of Congressional Fair Em-
4 ployment Practices;

5 (B) any applicant for a position that is to
6 be occupied by an individual described in sub-
7 paragraph (A) and whose claim of a violation
8 under this Act arises out of the application; and

9 (C) any individual who was formerly an
10 employee described in subparagraph (A) and
11 whose claim of a violation under this Act arises
12 out of the employment.

13 (8) *EMPLOYEE OF THE HOUSE OF REPRESENTA-*
14 *TIVES.*—The term “employee or the House of Rep-
15 resentatives” means—

16 (A) an individual occupying a position the
17 pay for which is disbursed by the Clerk of the
18 House of Representatives, or another official des-
19 ignated by the House of Representatives, or any
20 employment position in a legislative service or-
21 ganization or other entity that is paid through
22 funds derived from the clerk-hire allowance of the
23 House of Representatives, including any such in-
24 dividual employed by the Capitol Police, the
25 Capitol Guide Service, or the Office of the At-

1 *tending Physician, but not including an individ-*
2 *ual employed by the Congressional Budget Office;*

3 *(B) any applicant for a position described*
4 *in subparagraph (A) whose claim of a violation*
5 *under this Act arises out of the application; and*

6 *(C) any individual who was formerly an*
7 *employee described in subparagraph (A) and*
8 *whose claim of a violation under this Act arises*
9 *out of the employment.*

10 *(9) EMPLOYEE OF THE SENATE.—The term “em-*
11 *ployee of the Senate” means—*

12 *(A) any employee whose pay is disbursed by*
13 *the Secretary of the Senate, including any such*
14 *individual employed by the Capitol Police, the*
15 *Capitol Guide Service, or the Office of the At-*
16 *tending Physician;*

17 *(B) any applicant for a position that is to*
18 *be occupied by an individual described in sub-*
19 *paragraph (A) and whose claim of a violation*
20 *under this Act arises out of the application; and*

21 *(C) any individual who was formerly an*
22 *employee described in subparagraph (A) and*
23 *whose claim of a violation under this Act arises*
24 *out of the employment.*

1 (10) *EMPLOYING OFFICE*.—The term “employing
2 office” means the personal office of a Member of the
3 House of Representatives or a Senator or any other
4 office under the authority of a head of an employing
5 office.

6 (11) *GENERAL COUNSEL*.—The term “General
7 Counsel” means the General Counsel of the Office of
8 Congressional Fair Employment Practices appointed
9 under section 203(b).

10 (12) *HEAD OF AN EMPLOYING OFFICE*.—The
11 term “head of an employing office” means—

12 (A) the Member of Congress or the officer or
13 employee or board or other entity of the Congress
14 that has final authority to appoint, hire, dis-
15 charge, and set the terms, conditions, or privi-
16 leges of the employment of an employee of the
17 House of Representatives or an employee of the
18 Senate; and

19 (B) the Architect of the Capitol, the Direc-
20 tor of the Congressional Budget Office, the Direc-
21 tor of the Office of Technology Assessment, and
22 the Board of the Office of Congressional Fair
23 Employment Practices.

1 (13) *OFFICE*.—The term “Office” means the Of-
 2 fice of Congressional Fair Employment Practices es-
 3 tablished under section 201.

4 ***TITLE I—EXTENSION OF RIGHTS***
 5 ***AND PROTECTIONS, AND AS-***
 6 ***SOCIATED PROCEDURES***

7 ***SEC. 101. RIGHTS AND PROTECTIONS UNDER LAWS***
 8 ***AGAINST EMPLOYMENT DISCRIMINATION.***

9 (a) *DISCRIMINATORY PRACTICES PROHIBITED*.—

10 (1) *IN GENERAL*.—All personnel actions affecting
 11 covered employees shall, in accordance with the terms
 12 of this section, be made free from any discrimination
 13 based on—

14 (A) race, color, religion, sex, or national or-
 15 igin, within the meaning of section 717 of the
 16 Civil Rights Act of 1964 (42 U.S.C. 2000e–16);

17 (B) age, within the meaning of section 15
 18 of the Age Discrimination in Employment Act of
 19 1967 (29 U.S.C. 633a); or

20 (C) handicap or disability, within the
 21 meaning of section 501 of the Rehabilitation Act
 22 of 1973 (29 U.S.C. 791) and sections 102
 23 through 104 of the Americans with Disabilities
 24 Act of 1990 (42 U.S.C. 12112–12114).

1 (2) *PROHIBITION OF INTIMIDATION OR RE-*
2 *PRISAL.*—Any intimidation of, or reprisal against,
3 any covered employee because of the exercise of a right
4 under this section constitutes an unlawful employ-
5 ment practice, which may be remedied in the same
6 manner as is a violation of paragraph (1).

7 (b) *AVAILABLE REMEDIES.*—

8 (1) *CIVIL RIGHTS.*—The remedies for a violation
9 of subsection (a)(1)(A) shall be such remedies as
10 would be appropriate if awarded under sections
11 706(g), 706(k), and 717(d) of the Civil Rights Act of
12 1964 (42 U.S.C. 2000e–5(g), 2000e–5(k), 2000e–
13 16(d)), and such compensatory damages (not exceed-
14 ing, for each complaining party, and irrespective of
15 the size of the employing office, the maximum amount
16 available under section 1977A(b)(3)(D)) of the Re-
17 vised Statutes (42 U.S.C. 1981a(b)(3)(D)) as would
18 be appropriate if awarded under section 1977 and
19 sections 1977(A)(a) and (b)(2) of the Revised Statutes
20 (42 U.S.C. 1981, 1981a (a), and (b)(2)).

21 (2) *AGE DISCRIMINATION.*—The remedies for a
22 violation of subsection (a)(1)(B) shall be such rem-
23 edies as would be appropriate if awarded under sec-
24 tion 15(c) of the Age Discrimination in Employment
25 Act of 1967 (29 U.S.C. 633a(c)).

1 (3) *DISABILITIES DISCRIMINATION.*—The remedies for a violation of subsection (a)(1)(C) shall be
 2 such remedies as would be appropriate if awarded
 3 under section 505(a) of the Rehabilitation Act of 1973
 4 (29 U.S.C. 794a(a)(1)) or section 107(a) of the Americans with Disabilities Act of 1990 (42 U.S.C.
 5 12117(a)).

6 (4) *PUNITIVE DAMAGES.*—Punitive damages
 7 shall not be available for a violation of subsection (a).

8 (c) *EXCLUSIVE PROCEDURES.*—No covered employee
 9 may commence an administrative or judicial proceeding to
 10 seek a remedy for practices prohibited under this section
 11 except as provided in section 104.

12 (d) *EFFECTIVE DATE.*—This section shall be effective
 13 on October 1, 1995.

14 **SEC. 102. RIGHTS AND PROTECTIONS UNDER THE FAMILY**
 15 **AND MEDICAL LEAVE ACT OF 1993.**

16 (a) *FAMILY AND MEDICAL LEAVE RIGHTS AND PRO-*
 17 *TECTIONS PROVIDED.*—

18 (1) *IN GENERAL.*—The rights and protections es-
 19 tablished under sections 101 through 105 of the Fam-
 20 ily and Medical Leave Act of 1993 (29 U.S.C. 2611–
 21 2615) shall apply, in accordance with this section,
 22 with respect to covered employees.

1 (2) *DEFINITIONS.*—*For purposes of the applica-*
2 *tion of the Family and Medical Leave Act by this sec-*
3 *tion—*

4 (A) *the term “eligible employee” means—*

5 (i) *any employee of the House of Rep-*
6 *resentatives who has been employed for at*
7 *least 12 months on other than a temporary*
8 *or intermittent basis by any employing of-*
9 *fice of the House of Representatives;*

10 (ii) *any employee of the Senate who*
11 *has been employed for at least 12 months on*
12 *other than a temporary or intermittent*
13 *basis by any employing office of the Senate;*
14 *and*

15 (iii) *any employee of the Architect of*
16 *the Capitol, the Congressional Budget Of-*
17 *fice, the Office of Technology Assessment, or*
18 *the Office of Congressional Fair Employ-*
19 *ment Practices, who has been employed for*
20 *at least 12 months on other than a tem-*
21 *porary or intermittent basis by the Archi-*
22 *tect of the Capitol, the Congressional Budget*
23 *Office, the Office of Technology Assessment,*
24 *or the Office of Congressional Fair Employ-*
25 *ment Practices, respectively; and*

1 (B) the term “employer” means any em-
 2 ploying office.

3 (b) *AVAILABLE REMEDIES.*—The remedies for a viola-
 4 tion of subsection (a) shall be such remedies as would be
 5 appropriate if awarded under paragraph (1) or (3) of sec-
 6 tion 107(a) of the Family and Medical Leave Act of 1993
 7 (29 U.S.C. 2617(a) (1) or (3)).

8 (c) *EXCLUSIVE PROCEDURES.*—No covered employee
 9 may commence an administrative or judicial proceeding to
 10 seek a remedy for a violation of the rights and protections
 11 afforded in this section except as provided in section 104.

12 (d) *EFFECTIVE DATE.*—This section shall be effective
 13 on October 1, 1995.

14 **SEC. 103. RIGHTS AND PROTECTIONS UNDER THE FAIR**
 15 **LABOR STANDARDS ACT.**

16 (a) *FAIR LABOR STANDARDS.*—

17 (1) *IN GENERAL.*—Subject to the limitations in
 18 section 13(a)(1) of the Fair Labor Standards Act of
 19 1938 (29 U.S.C. 213(a)(1)), the rights and protections
 20 established under subsections (a)(1) and (d) of section
 21 6, section 7, and section 15(a)(3) of such Act (29
 22 U.S.C. 206(a)(1) and (d), 207, 215(a)(3)) shall apply,
 23 in accordance with this section, with respect to cov-
 24 ered employees.

1 (2) *VOLUNTEER SERVICES EXCEPTED.*—For the
2 purposes of this section, the term “employee” does not
3 include any individual who volunteers to perform
4 services under the same conditions as would exclude
5 an individual who volunteers to perform services for
6 a State, a political subdivision of a State, or an
7 interstate governmental agency under section
8 3(e)(4)(A) of the Fair Labor Standards Act of 1938
9 (29 U.S.C. 203(e)(4)(A)).

10 (3) *COMPENSATORY TIME ALLOWED.*—Covered
11 employees may receive compensatory time off instead
12 of overtime compensation in the same manner and to
13 the same extent as employees of a State, a political
14 subdivision of a State, or an interstate governmental
15 agency, pursuant to section 7(o) of the Fair Labor
16 Standards Act of 1938 (29 U.S.C. 207(o)).

17 (b) *AVAILABLE REMEDIES.*—The remedies for a viola-
18 tion of subsection (a) shall be such remedies as would be
19 appropriate if awarded under section 16(b) of the Fair
20 Labor Standards Act of 1938 (29 U.S.C. 216(b)).

21 (c) *EXCLUSIVE PROCEDURES.*—No covered employee
22 may commence an administrative or judicial proceeding to
23 seek a remedy for a violation of the rights and protections
24 afforded in this section except as provided in section 104.

25 (d) *RULES TO IMPLEMENT SECTION.*—

1 (1) *IN GENERAL.*—Not later than January 3,
 2 1996, the Board shall, pursuant to section 204, issue
 3 rules necessary to implement the rights and protec-
 4 tions under this section.

5 (2) *CONSISTENCY WITH AGENCY REGULATIONS.*—
 6 The rules promulgated under paragraph (1) shall be
 7 consistent with substantive regulations promulgated
 8 by the Secretary of Labor to implement the statutory
 9 provisions referred to in subsections (a) and (b) ex-
 10 cept insofar as the Board may determine, for good
 11 cause shown and stated together with the rule, that a
 12 different rule would serve the purposes of such statu-
 13 tory provisions and of this Act.

14 (e) *EFFECTIVE DATES.*—Subsections (a) through (c)
 15 shall be effective on the effective date of the rules issued
 16 under subsection (d) or on July 1, 1996, whichever is ear-
 17 lier.

18 **SEC. 104. PROCEDURES FOR REMEDY OF EMPLOYMENT DIS-**
 19 **CRIMINATION, FAMILY AND MEDICAL LEAVE,**
 20 **AND FAIR LABOR STANDARDS VIOLATIONS.**

21 *The exclusive procedures for remedy of violations of*
 22 *sections 101, 102, and 103 shall be as follows:*

23 (1) *COUNSELING.*—Any covered employee alleg-
 24 ing a violation of sections 101, 102, or 103 may re-
 25 quest counseling by the Office. Such counseling shall

1 *be conducted pursuant to the provisions of section 301*
2 *and shall be requested within the time specified in*
3 *section 307.*

4 (2) *MEDIATION.*—*Not later than 15 days after*
5 *the Office gives notification to an employee pursuant*
6 *to section 301(d) of the end of the period of counseling*
7 *under paragraph (1), the employee may file a request*
8 *for mediation with the Office. On the filing of such*
9 *a request, the Office shall conduct mediation in ac-*
10 *cordance with section 302.*

11 (3) *CHOICE OF ADJUDICATORY PROCEEDING.*—
12 *Not later than 90 days after receiving notice given by*
13 *the Office pursuant to section 302(f), but not sooner*
14 *than 30 days after receipt of such notice, an employee*
15 *may either—*

16 (A) *file a formal complaint with the Office*
17 *in accordance with section 303; or*

18 (B) *file a civil action in the United States*
19 *district court for the district in which the em-*
20 *ployee is employed or for the District of Colum-*
21 *bia, subject to the provisions of section 306.*

22 (4) *APPEAL TO THE BOARD.*—*Any party ag-*
23 *grieved by a final decision of the hearing officer with*
24 *respect to a formal complaint filed with the Office*

1 *pursuant to paragraph (3)(A) may appeal to the*
 2 *Board pursuant to section 304.*

3 *(5) JUDICIAL REVIEW.—Any party aggrieved by*
 4 *a final decision of the Board under paragraph (4)*
 5 *may file a petition for review in the United States*
 6 *Court of Appeals for the Federal Circuit pursuant to*
 7 *section 305.*

8 ***SEC. 105. RIGHTS AND PROTECTIONS UNDER TITLE II OF***
 9 ***THE AMERICANS WITH DISABILITIES ACT;***
 10 ***PROCEDURES FOR REMEDY OF VIOLATIONS.***

11 *(a) ENTITIES SUBJECT TO THIS SECTION.—Each of—*

12 *(1) the Senate;*

13 *(2) the House of Representatives;*

14 *(3) each joint committee of the Congress;*

15 *(4) the Architect of the Capitol (including as*
 16 *manager of the Senate Restaurants and the Botanic*
 17 *Garden);*

18 *(5) the Capitol Guide Service;*

19 *(6) the Capitol Police;*

20 *(7) the Congressional Budget Office;*

21 *(8) the Office of Technology Assessment; and*

22 *(9) the Office of Congressional Fair Employment*
 23 *Practices;*

24 *shall be subject to the requirements of this section.*

25 *(b) DISCRIMINATION IN PUBLIC SERVICES.—*

1 (1) *RIGHTS AND PROTECTIONS.*—*The rights and*
2 *protections against discrimination in the provision of*
3 *public services established under sections 201 through*
4 *230, 503(a), and 503(b) of the Americans with Dis-*
5 *abilities Act of 1990 (42 U.S.C. 12131–12150,*
6 *12203(a), 12203(b)) shall apply, pursuant to the*
7 *terms of this section, to the entities listed in sub-*
8 *section (a).*

9 (2) *COVERAGE.*—*The rights and protections of*
10 *paragraph (1) shall apply, pursuant to the terms of*
11 *this section, to any qualified individual with a dis-*
12 *ability (as defined in section 201(2) of the Americans*
13 *with Disabilities Act of 1990 (42 U.S.C. 12131(2)),*
14 *except that, with respect to any claims of employment*
15 *discrimination under title II of the American with*
16 *Disabilities Act asserted by any covered employee, the*
17 *exclusive remedy shall be under section 101.*

18 (3) *DEFINITION.*—*For purposes of the applica-*
19 *tion of title II of the Americans with Disabilities Act*
20 *of 1990 under this section, the term “public entity”*
21 *means any entity listed in subsection (a).*

22 (c) *AVAILABLE REMEDIES.*—*The remedies for a viola-*
23 *tion of subsection (b) shall be such remedies as would be*
24 *appropriate if awarded under section 203 or 503(c) of the*

1 *Americans with Disabilities Act of 1990 (42 U.S.C. 12133*
2 *or 12203(c)).*

3 *(d) AVAILABLE PROCEDURES.—*

4 *(1) CHARGE FILED WITH GENERAL COUNSEL.—*

5 *A qualified individual with a disability who alleges*
6 *a violation of subsection (b) may file a charge with*
7 *the General Counsel. The General Counsel shall inves-*
8 *tigate the charge.*

9 *(2) MEDIATION.—If, upon investigation, the*
10 *General Counsel believes that a violation of subsection*
11 *(b) may have occurred and that mediation may be*
12 *helpful in resolving the dispute, the General Counsel*
13 *may request mediation under section 302 between the*
14 *complaining individual and the entity alleged to have*
15 *committed the violation.*

16 *(3) COMPLAINT, HEARING, BOARD REVIEW.—If*
17 *the General Counsel believes that a violation of sub-*
18 *section (b) has occurred, and if mediation under*
19 *paragraph (2) has not succeeded in resolving the dis-*
20 *pute between the complaining individual and the en-*
21 *tity alleged to have committed the violation, the Gen-*
22 *eral Counsel shall file with the Office a complaint*
23 *against the entity. If the General Counsel believes that*
24 *remedy of the violation requires action by the Archi-*
25 *tect of the Capitol, the General Counsel shall also*

1 *name the Architect of the Capitol in the complaint.*
2 *The complaint shall be submitted to a hearing officer*
3 *for decision pursuant to section 303, subject to review*
4 *by the Board pursuant to section 304.*

5 (4) *JUDICIAL REVIEW.*—Any party aggrieved by
6 *a final decision of the Board under paragraph (3)*
7 *may file a petition for review in the United States*
8 *Court of Appeals for the Federal Circuit, pursuant to*
9 *section 305.*

10 (5) *EXCLUSIVE PROCEDURES.*—No person may
11 *commence an administrative or judicial proceeding to*
12 *seek a remedy for violation of the rights and protec-*
13 *tions afforded in this section except as provided in*
14 *this subsection.*

15 (e) *RULES TO IMPLEMENT SECTION.*—

16 (1) *IN GENERAL.*—Not later than January 3,
17 *1996, the Board shall, pursuant to section 204, issue*
18 *rules necessary to implement the rights and protec-*
19 *tions under this section.*

20 (2) *CONSISTENCY WITH AGENCY REGULATIONS.*—
21 *The rules promulgated under paragraph (1) shall be*
22 *consistent with substantive regulations promulgated*
23 *by the Attorney General and the Secretary of Trans-*
24 *portation to implement the statutory provisions re-*
25 *ferred to in subsections (b) and (c) except to the extent*

1 that the Board may determine, for good cause shown
2 and stated together with the rule, that a different rule
3 would serve the purposes of such statutory provisions
4 and of this Act.

5 (f) *EFFECTIVE DATES.*—Subsections (b), (c), and (d)
6 shall be effective on the effective date of the rules issued
7 under subsection (e) or on July 1, 1996, whichever is ear-
8 lier.

9 (g) *INSPECTION; REPORT TO CONGRESS.*—

10 (1) *INSPECTION.*—On a regular basis, and at
11 least once each Congress, the General Counsel shall in-
12 spect the facilities of Congress and of congressional
13 instrumentalities listed in subsection (a) to ensure
14 compliance with subsection (b).

15 (2) *REPORT.*—On the basis of these inspections,
16 the General Counsel shall, at least once every Con-
17 gress, prepare and submit a report to the Speaker of
18 the House of Representatives and the President pro
19 tempore of the Senate containing the results of the in-
20 spection and describing any steps that need to be
21 taken to comply fully with this section.

22 (3) *DETAILS.*—The Attorney General, the Sec-
23 retary of Transportation, and the Architectural and
24 Transportation Barriers Compliance Board shall, on
25 request of the Office, detail to the Office such person-

1 *nel as may be necessary to advise and assist the Of-*
2 *fice in carrying out its duties under this section.*

3 **SEC. 106. RIGHTS AND PROTECTIONS UNDER THE OCCUPA-**
4 **TIONAL SAFETY AND HEALTH ACT OF 1970;**
5 **PROCEDURES FOR REMEDY OF VIOLATIONS.**

6 (a) *OCCUPATIONAL SAFETY AND HEALTH PROTEC-*
7 *TIONS.—Each employing office and each covered employee*
8 *(and representatives of such employee) shall comply with*
9 *provisions of section 5 of the Occupational Safety and*
10 *Health Act of 1970 (29 U.S.C. 654). The duties, rights, and*
11 *protections of sections 8, 9, and 11(c) of the Occupational*
12 *Safety and Health Act of 1970 (29 U.S.C. 657, 658 and*
13 *660(c)) shall apply with respect to each employing office*
14 *and each covered employee (and representatives of such em-*
15 *ployee). For purposes of the application under this section*
16 *of the Occupational Safety and Health Act of 1970, the term*
17 *“employer” as used in such Act or in this section means*
18 *any employing office and the term “employee” means any*
19 *covered employee.*

20 (b) *AVAILABLE REMEDIES.—The remedies for a viola-*
21 *tion of subsection (a) shall be such remedies, except pen-*
22 *alties, as would be appropriate if awarded under sections*
23 *9(a), 10(c), and 11(c)(2) of the Occupational Safety and*
24 *Health Act of 1970 (29 U.S.C. 658(a), 659(c), and*
25 *660(c)(2)).*

1 (c) *AVAILABLE PROCEDURES.*—

2 (1) *INSPECTIONS, INVESTIGATIONS; AUTHORITIES*
3 *OF THE GENERAL COUNSEL.*—For purposes of this
4 section and except as otherwise provided in this sec-
5 tion, the General Counsel shall exercise the authorities
6 granted to the Secretary of Labor by subsections (a)
7 and (f) of section 8 of the Occupational Safety and
8 Health Act of 1970 (29 U.S.C. 657 (a) and (f)) to in-
9 spect and investigate places of employment under the
10 jurisdiction of employers. Employees or representa-
11 tives of employees may submit written requests to the
12 General Counsel to conduct an inspection.

13 (2) *CITATIONS, NOTICES, NOTIFICATIONS; AU-*
14 *THORITIES OF THE GENERAL COUNSEL.*—For pur-
15 poses of this section and except as otherwise provided
16 in this section, the General Counsel shall exercise the
17 authorities granted to the Secretary of Labor in sec-
18 tions 9 and 10 of the Occupational Safety and Health
19 Act of 1970 (29 U.S.C. 658, and 659), to issue—

20 (A) a citation or notice to any employer
21 that the General Counsel believes has violated
22 subsection (a); or

23 (B) a notification to any employer that the
24 General Counsel has reason to believe has failed
25 to correct a violation for which a citation has

1 *been issued within the period permitted for its*
2 *correction.*

3 *If the General Counsel believes that remedy of a viola-*
4 *tion requires action by the Architect of the Capitol,*
5 *the General Counsel shall also name the Architect of*
6 *the Capitol in the citation, notice, or notification.*

7 (3) *HEARINGS, REVIEW; AUTHORITIES OF THE*
8 *BOARD.—For purposes of this section and except as*
9 *otherwise provided in this section, the Board shall ex-*
10 *ercise the authorities granted to the Occupational*
11 *Safety and Health Review Commission in section*
12 *10(c) of the Occupational Safety and Health Act of*
13 *1970 (29 U.S.C. 659(c)) and to the Secretary of*
14 *Labor (with respect to affirming or modifying abate-*
15 *ment requirements), to hear objections and requests*
16 *with respect to citations and notifications. The Board*
17 *shall refer disputed matters under this paragraph to*
18 *a hearing officer pursuant to section 303, subject to*
19 *review by the Board pursuant to section 304.*

20 (4) *VARIANCE PROCEDURES.—For the purposes*
21 *of this section and except as otherwise provided by*
22 *this section, the Board shall exercise the authorities*
23 *granted to the Secretary of Labor in section 6(b)(6)*
24 *of the Occupational Safety and Health Act of 1970*
25 *(29 U.S.C. 655(b)(6)) to act on any request by an em-*

1 ~~ployer applying for a temporary order granting a~~
2 ~~variance from a standard or any provision thereof is-~~
3 ~~sued under subsection (d). The Board may refer the~~
4 ~~matter to a hearing officer pursuant to section 303,~~
5 ~~subject to review by the Board pursuant to section~~
6 ~~304.~~

7 (5) ~~PROCEDURES REGARDING CLAIMS OF INTIMI-~~
8 ~~DATION OR REPRISAL; AUTHORITIES OF GENERAL~~
9 ~~COUNSEL.—For purposes of this section and except as~~
10 ~~provided in this section, the General Counsel shall ex-~~
11 ~~ercise the authorities granted to the Secretary of~~
12 ~~Labor in section 11(c) of the Occupational Safety and~~
13 ~~Health Act of 1970 (29 U.S.C. 660(c)) to act, in the~~
14 ~~manner described in this paragraph, on complaints~~
15 ~~alleging discrimination for the exercise of rights~~
16 ~~under this section. Any employee who believes that he~~
17 ~~or she has been discharged or otherwise discriminated~~
18 ~~against in violation of section 11(c) of such Act, as~~
19 ~~made applicable by this section, may, within 30 days~~
20 ~~after such violation occurs, file a complaint with the~~
21 ~~Office alleging such discrimination. The General~~
22 ~~Counsel shall investigate the complaint. If, upon in-~~
23 ~~vestigation, the General Counsel believes that a viola-~~
24 ~~tion of section 11(c) of such Act may have occurred,~~
25 ~~the General Counsel shall request mediation under~~

1 *section 302 between the employee and the employer*
2 *that is alleged to have committed the violation. If the*
3 *General Counsel determines that a violation has oc-*
4 *curred and if mediation under the preceding sentence*
5 *has not succeeded in resolving the dispute, the General*
6 *Counsel shall file with the Office a complaint against*
7 *the employer. The complaint shall be submitted to a*
8 *hearing officer for decision pursuant to section 303,*
9 *subject to review by the Board pursuant to section*
10 *304. Any party aggrieved by a final decision of the*
11 *Board under this paragraph may file a petition for*
12 *review with the United States Court of Appeals for*
13 *the Federal Circuit, pursuant to section 305.*

14 (6) *EXCLUSIVE PROCEDURES.*—No covered em-
15 *ployee or representative of such employees may com-*
16 *mence any administrative or judicial proceeding to*
17 *seek a remedy for a violation of the rights and protec-*
18 *tions afforded in this section except as provided in*
19 *this subsection.*

20 (d) *RULES TO IMPLEMENT SECTION.*—

21 (1) *IN GENERAL.*—Not later than January 3,
22 *1996, the Board shall, pursuant to section 204, issue*
23 *rules necessary to implement the rights and protec-*
24 *tions under this section.*

1 (2) *CONSISTENCY WITH AGENCY REGULATIONS.*—

2 *The rules promulgated under paragraph (1) shall be*
3 *consistent with standards and other substantive regu-*
4 *lations promulgated by the Secretary of Labor to im-*
5 *plement the statutory provisions referred to in sub-*
6 *sections (a) and (b) except to the extent that the*
7 *Board may determine, for good cause shown and stat-*
8 *ed together with the rule, that a different rule would*
9 *serve the purposes of such statutory provisions and of*
10 *this Act.*

11 (e) *EFFECTIVE DATES.*—*Subsections (a) through (c)*
12 *shall be effective on the effective date of the rules issued*
13 *under subsection (d) or on July 1, 1996, whichever is ear-*
14 *lier.*

15 (f) *INSPECTION; REPORT TO CONGRESS.*—

16 (1) *INSPECTIONS.*—*On a regular basis, and at*
17 *least once each Congress, the General Counsel shall in-*
18 *spect the facilities of the House of Representatives, the*
19 *Senate, the Architect of the Capitol, the Congressional*
20 *Budget Office, the Office of Technology Assessment,*
21 *and the Office of Congressional Fair Employment*
22 *Practices to ensure compliance with subsection (a).*

23 (2) *REPORT.*—*On the basis of these inspections,*
24 *the General Counsel shall, at least once every Con-*
25 *gress, prepare and submit a report to the Speaker of*

1 *the House of Representatives and the President pro*
 2 *tempore of the Senate containing the results of the in-*
 3 *spection and describing any steps that need to be*
 4 *taken to comply fully with this section.*

5 (3) *DETAILS.—The Secretary of Labor shall, on*
 6 *request of the Office, detail to the Office such person-*
 7 *nel as may be necessary to advise and assist the Of-*
 8 *fice in carrying out its duties under this section.*

9 **SEC. 107. APPLICATION OF FEDERAL SERVICE LABOR-MAN-**
 10 **AGEMENT RELATIONS STATUTE; PROCE-**
 11 **DURES FOR IMPLEMENTATION AND EN-**
 12 **FORCEMENT.**

13 (a) *LABOR-MANAGEMENT RIGHTS.—The rights, pro-*
 14 *tections, and responsibilities established under sections*
 15 *7102, 7103, 7106, 7111 through 7117, and 7119 through*
 16 *7122 of title 5, United States Code, shall apply, pursuant*
 17 *to this section, to employing offices and to covered employ-*
 18 *ees and representatives of those employees. For purposes of*
 19 *the application under this section of chapter 71, United*
 20 *States Code, the term “agency” shall be deemed to include*
 21 *an employing office.*

22 (b) *AUTHORITIES AND PROCEDURES FOR IMPLEMEN-*
 23 *TATION AND ENFORCEMENT.—*

24 (1) *GENERAL AUTHORITIES OF THE BOARD; PE-*
 25 *TITIONS.—For purposes of this section and except as*

1 *otherwise provided in this section, the Board shall ex-*
2 *ercise the authorities of the Federal Labor Relations*
3 *Authority under sections 7105, 7111 through 7113,*
4 *7115, 7117, 7118, and 7122 of title 5, United States*
5 *Code, and of the President under section 7103(b) of*
6 *title 5, United States Code. For purposes of this sec-*
7 *tion, any petition or other submission that, under*
8 *chapter 71 of title 5, United States Code, would be*
9 *submitted to the Federal Labor Relations Authority*
10 *shall, if brought under this section, be submitted to*
11 *the Board. The Board may refer any matter under*
12 *this paragraph to a hearing officer for decision pur-*
13 *suant to section 303, subject to review by the Board*
14 *pursuant to section 304. The Board may direct that*
15 *the General Counsel carry out the Board's investiga-*
16 *tive authorities under this paragraph.*

17 (2) *GENERAL AUTHORITIES OF THE GENERAL*
18 *COUNSEL; CHARGES OF UNFAIR LABOR PRACTICE.—*
19 *For purposes of this section and except as otherwise*
20 *provided in this section, the General Counsel shall ex-*
21 *ercise the authorities of the General Counsel of the*
22 *Federal Labor Relations Authority under sections*
23 *7104 and 7118 of title 5, United States Code. For*
24 *purposes of this section, any charge or other submis-*
25 *sion that, under chapter 71 of title 5, United States*

1 *Code, would be submitted to the General Counsel of*
2 *the Federal Labor Relations Authority shall, if*
3 *brought under this section, be submitted to the Gen-*
4 *eral Counsel. If any person charges an employing of-*
5 *fice or a labor organization with having engaged in*
6 *or engaging in an unfair labor practice, the General*
7 *Counsel shall investigate the charge and may issue a*
8 *complaint. The complaint shall be submitted to a*
9 *hearing officer for decision pursuant to section 303,*
10 *subject to review by the Board pursuant to section*
11 *304.*

12 *(3) EXERCISE OF IMPASSES PANEL AUTHORITY;*
13 *REQUESTS.—For purposes of this section and except*
14 *as otherwise provided in this section, the Board shall*
15 *exercise the authorities of the Federal Service Im-*
16 *passes Panel under section 7119 of title 5, United*
17 *States Code. For purposes of this section, any request*
18 *that, under chapter 71 of title 5, United States Code,*
19 *would be presented to the Federal Service Impasses*
20 *Panel shall, if made under this section, be presented*
21 *to the Board. At the request of the Board, the Director*
22 *shall appoint a mediator or mediators to perform the*
23 *functions of the Federal Service Impasses Panel under*
24 *section 7119 of title 5, United States Code.*

1 (4) *JUDICIAL REVIEW.*—*Except for matters re-*
2 *ferred to in paragraphs (1) and (2) of section 7123(a)*
3 *of title 5, United States Code, any party aggrieved by*
4 *a final decision of the Board pursuant to this section*
5 *may file a petition for judicial review in the United*
6 *States Court of Appeals for the Federal Circuit pur-*
7 *suant to section 305.*

8 (5) *EXCLUSIVE PROCEDURES.*—*No covered em-*
9 *ployee or representative of such employees may com-*
10 *mence an administrative or judicial proceeding to*
11 *seek a remedy for any violation of or to enforce any*
12 *rights and protections provided by this section except*
13 *as provided in this subsection.*

14 (c) *RULES TO IMPLEMENT SECTION.*—

15 (1) *IN GENERAL.*—*Not later than January 3,*
16 *1996, except with respect to the offices listed in sub-*
17 *section (d)(2), the Board shall pursuant to section*
18 *204, issue rules necessary to implement the rights and*
19 *protections under this section.*

20 (2) *CONSISTENCY WITH AGENCY REGULATIONS.*—
21 *The rules promulgated under paragraph (1) shall be*
22 *consistent with substantive regulations promulgated*
23 *by the Federal Labor Relations Authority to imple-*
24 *ment the statutory provisions referred to in subsection*
25 *(a) except to the extent that as the Board may deter-*

1 mine, for good cause shown and stated together with
2 the rule, that a different rule would serve the purposes
3 of such statutory provisions and of this Act.

4 (d) RULEMAKING REGARDING APPLICATION TO CER-
5 TAIN OFFICES AND INSTRUMENTALITIES OF CONGRESS.—

6 (1) RULES REQUIRED.—Not later than July 1,
7 1996, the Board shall issue substantive rules pursuant
8 to section 204(c) on the manner and extent to which
9 the requirements and exemptions of chapter 71 of title
10 5, United States Code, should apply to covered em-
11 ployees who are employed in the offices listed in para-
12 graph (2). In issuing such regulations, the Board
13 shall, to the greatest extent practicable, be consistent
14 with the provisions and purposes of chapter 71 of title
15 5, United States Code, and regulations issued by the
16 Federal Labor Relations Authority under such chap-
17 ter, and the purposes of this Act, and shall also con-
18 sider—

19 (A) the possibility of any conflict of interest
20 or appearance of a conflict of interest;

21 (B) national security; and

22 (C) Congress's constitutional responsibil-
23 ities.

24 (2) OFFICES REFERRED TO.—The offices referred
25 to in paragraph (1) are—

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

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

7 (C) *the Office of the Vice President (as*
8 *President of the Senate), the Office of the Presi-*
9 *dent pro tempore of the Senate, the Office of the*
10 *Majority Leader of the Senate, the Office of the*
11 *Minority Leader of the Senate, the Office of the*
12 *Majority Whip of the Senate, the Office of the*
13 *Minority Whip of the Senate, the Conference of*
14 *the Majority of the Senate, the Conference of the*
15 *Minority of the Senate, the Office of the Sec-*
16 *retary of the Conference of the Majority of the*
17 *Senate, the Office of the Secretary of the Con-*
18 *ference of the Minority of the Senate, the Office*
19 *of the Secretary for the Majority of the Senate,*
20 *the Office of the Secretary for the Minority of the*
21 *Senate, the Majority Policy Committee of the*
22 *Senate, and the Minority Policy Committee of*
23 *the Senate;*

24 (D) *the office of the Speaker of the House of*
25 *Representatives, the Office of the Majority Lead-*

1 *er of the House of Representatives, the Office of*
2 *the Minority Leader of the House of Representa-*
3 *tives, the Offices of the Chief Deputy Majority*
4 *Whips, the Offices of the Chief Deputy Minority*
5 *Whips;*

6 *(E) the Office of the Legislative Counsel of*
7 *the Senate, the Office of the Senate Legal Coun-*
8 *sel, the Office of the Legislative Counsel of the*
9 *House of Representatives, the Office of the Gen-*
10 *eral Counsel of the House of Representatives, the*
11 *Office of the Parliamentarian of the House of*
12 *Representatives or of the Senate;*

13 *(F) the offices of any caucus or party orga-*
14 *nization; and*

15 *(G) the Congressional Budget Office, the Of-*
16 *fice of Technology Assessment, and the Office of*
17 *Congressional Fair Employment Practices.*

18 *(e) EFFECTIVE DATE.—*

19 *(1) IN GENERAL.—Except as provided in para-*
20 *graph (2), subsections (a) and (b) shall be effective on*
21 *the effective date of the rules issued under subsection*
22 *(c), or on July 1, 1996, whichever is earlier.*

23 *(2) CERTAIN OFFICES.—With respect to the of-*
24 *fices listed in subsection (d)(2), to the covered employ-*
25 *ees of such offices, and to representatives of such em-*

1 *ployees, subsections (a) and (b) shall be effective on*
2 *the effective date of rules issued under subsection (d)*
3 *and approved under section 204(f).*

4 ***SEC. 108. STUDY AND RECOMMENDATIONS REGARDING***
5 ***GENERAL ACCOUNTING OFFICE, GOVERN-***
6 ***MENT PRINTING OFFICE, AND LIBRARY OF***
7 ***CONGRESS.***

8 *(a) IN GENERAL.—The Board shall undertake a study*
9 *of—*

10 *(1) the application of the laws listed in sub-*
11 *section (b) to—*

12 *(A) the General Accounting Office;*

13 *(B) the Government Printing Office;*

14 *(C) the Library of Congress; and*

15 *(D) any other entity in the legislative*
16 *branch of the Government not covered by all of*
17 *the sections of this title; and*

18 *(2) the regulations and procedures used by the*
19 *instrumentalities and other entities referred to in*
20 *paragraph (1) to apply and enforce such laws to*
21 *themselves and their employees.*

22 *(b) APPLICABLE STATUTES.—The study under this*
23 *section shall consider the application of the following laws:*

1 (1) *Title VII of the Civil Rights Act of 1964 (42*
2 *U.S.C. 2000e et seq.), and related provisions of section*
3 *2302 of title 5, United States Code.*

4 (2) *The Age Discrimination in Employment Act*
5 *of 1967 (29 U.S.C. 621 et seq.), and related provi-*
6 *sions of section 2302 of title 5, United States Code.*

7 (3) *The Americans with Disabilities Act of 1990*
8 *(42 U.S.C. 12101 et seq.), and related provisions of*
9 *section 2302 of title 5, United States Code.*

10 (4) *The Family and Medical Leave Act of 1993*
11 *(29 U.S.C. 2611 et seq.), and related provisions of sec-*
12 *tions 6381 through 6387 of title 5, United States*
13 *Code.*

14 (5) *The Fair Labor Standards Act of 1938 (29*
15 *U.S.C. 201 et seq.), and related provisions of sections*
16 *5541 through 5550a of title 5, United States Code.*

17 (6) *Section 19 of the Occupational Safety and*
18 *Health Act of 1970 (29 U.S.C. 668), and related pro-*
19 *visions of section 7902 of title 5, United States Code.*

20 (7) *Chapter 71 of title 5, United States Code.*

21 (8) *The General Accounting Office Personnel Act*
22 *of 1980 (31 U.S.C. subchapter III of chapter 7).*

23 (c) *CONTENTS OF STUDY AND RECOMMENDATIONS.—*
24 *The study under this section shall evaluate whether the*
25 *rights, protections, and procedures applicable to the Con-*

1 *gressional instrumentalities and other entities referred to*
 2 *in subsection (a) and their employees are at least as com-*
 3 *prehensive and effective as those required by this title and*
 4 *title III, and shall include recommendations for any im-*
 5 *provements in such regulations and procedures and for any*
 6 *legislation.*

7 (d) *DEADLINE AND DELIVERY OF STUDY.*—Not later
 8 than July 1, 1996, the Board shall prepare and complete
 9 the study and recommendations required under this section
 10 and shall submit the study and recommendations to the
 11 head of each instrumentality or other entity considered by
 12 the study, and to the responsible oversight committees of the
 13 House of Representatives and of the Senate.

14 **TITLE II—OFFICE OF CONGRES-**
 15 **SIONAL FAIR EMPLOYMENT**
 16 **PRACTICES—ESTABLISHMENT**
 17 **AND OPERATIONS**

18 **SEC. 201. ESTABLISHMENT OF OFFICE OF CONGRESSIONAL**
 19 **FAIR EMPLOYMENT PRACTICES.**

20 *There is hereby established, as an independent office*
 21 *within the legislative branch of the Government, the Office*
 22 *of Congressional Fair Employment Practices.*

23 **SEC. 202. BOARD OF DIRECTORS.**

24 (a) *IN GENERAL.*—There shall be a Board of Directors
 25 of the Office (the “Board”), to be composed of 5 members.

1 (b) APPOINTMENT.—

2 (1) TWO MEMBERS BY LEADERS OF HOUSE OF
3 REPRESENTATIVES.—*The Speaker of the House of*
4 *Representatives shall appoint two members, of*
5 *whom—*

6 (A) *one shall be appointed in accordance*
7 *with the recommendation of the Majority Leader*
8 *in consultation with the Minority Leader; and*

9 (B) *one shall be appointed in accordance*
10 *with the recommendation of the Minority Leader*
11 *in consultation with the Majority Leader.*

12 (2) TWO MEMBERS BY LEADERS OF SENATE.—
13 *The President pro tempore of the Senate shall appoint*
14 *two members, of whom—*

15 (A) *one shall be appointed in accordance*
16 *with the recommendation of the Majority Leader*
17 *in consultation with the Minority Leader; and*

18 (B) *one shall be appointed in accordance*
19 *with the recommendation of the Minority Leader*
20 *in consultation with the Majority Leader.*

21 (3) CHAIR.—*The Chair shall be appointed joint-*
22 *ly by the Speaker of the House of Representatives and*
23 *the President pro tempore of the Senate from among*
24 *candidates jointly recommended by the Majority*
25 *Leader and the Minority Leader of the House of Rep-*

1 *representatives and candidates jointly recommended by*
2 *the Majority Leader and the Minority Leader of the*
3 *Senate.*

4 *(c) QUALIFICATIONS.—*

5 *(1) IN GENERAL.—Selection and appointment of*
6 *members shall be without regard to political affili-*
7 *ation and solely on the basis of fitness to perform the*
8 *duties of the office.*

9 *(2) SPECIFIC QUALIFICATIONS.—Members shall*
10 *have training or experience in the application of the*
11 *rights, protections, and remedies under one or more*
12 *of the statutes made applicable by sections 101*
13 *through 107.*

14 *(3) DISQUALIFICATIONS.—No individual shall be*
15 *eligible to serve on the Board who—*

16 *(A) is a current or former—*

17 *(i) Member of the House of Representa-*
18 *tives or a Senator;*

19 *(ii) elected officer of the House of Rep-*
20 *resentatives or the Senate; or*

21 *(iii) head of a congressional instru-*
22 *mentality referred to in subparagraphs (C)*
23 *through (F) of section 3(1) or paragraph*
24 *(1), (2), or (3) of section 108(a);*

1 (B) is, or has been within the 6 years prior
2 to appointment, a covered employee or otherwise
3 an employee of an instrumentality or other en-
4 tity of the legislative branch, other than an em-
5 ployee of an office of fair employment practices
6 or personnel appeals board; or

7 (C) engages in, or is otherwise employed in,
8 lobbying of the Congress and who is required
9 under the Federal Regulation of Lobbying Act to
10 register with the Clerk of the House of Represent-
11 atives or the Secretary of the Senate.

12 (d) *TIME FOR ORIGINAL BOARD APPOINTMENTS.*—All
13 members shall be appointed to the Board pursuant to sub-
14 section (b) not later than 120 days after the date of enact-
15 ment of this Act.

16 (e) *APPOINTMENTS TO FILL VACANCIES ON THE*
17 *BOARD.*—Any vacancy in the membership of the Board
18 shall be filled in the same manner as the original appoint-
19 ment for the vacant position.

20 (f) *TERMS OF OFFICE FOR BOARD MEMBERS.*—

21 (1) *IN GENERAL.*—Except as provided in para-
22 graphs (2) and (3), the term of appointment of each
23 member of the Board shall be 6 years. No member
24 shall be appointed to more than 2 consecutive 6-year
25 terms of office.

1 (2) *TERMS OF OFFICE FOR ORIGINAL BOARD AP-*
2 *POINTMENTS.—*

3 (A) *TWO MEMBERS THROUGH JANUARY 3,*
4 *1998.—The terms of the members originally ap-*
5 *pointed pursuant to subsection (b)(1) shall ter-*
6 *minate at noon on January 3, 1998.*

7 (B) *TWO MEMBERS THROUGH JANUARY 3,*
8 *2000.—The terms of the members originally ap-*
9 *pointed pursuant to subsection (b)(2) shall ter-*
10 *minate at noon on January 3, 2000.*

11 (C) *ONE MEMBER THROUGH JANUARY 3,*
12 *2002.—The term of the Chair originally ap-*
13 *pointed shall terminate at noon on January 3,*
14 *2002.*

15 (3) *TERMS OF OFFICE FOR MID-TERM APPOINT-*
16 *MENTS TO THE BOARD.—An individual appointed to*
17 *fill a vacancy occurring before the expiration of a*
18 *term of office shall be appointed for the remainder of*
19 *the term. However, if the unexpired part of a term is*
20 *less than one year, the individual may be appointed*
21 *for a 6-year term plus the unexpired part of the term.*

22 (4) *SERVICE AFTER EXPIRATION OF TERM.—A*
23 *member may continue to serve after the expiration of*
24 *his or her term until his successor has taken office, ex-*
25 *cept that he or she may not continue to serve for more*

1 *than 1 year after the date on which his or her term*
2 *expired.*

3 (g) *REMOVAL OF BOARD MEMBERS.*—

4 (1) *IN GENERAL.*—*The Speaker of the House of*
5 *Representatives and the President pro tempore of the*
6 *Senate, acting in accordance with the recommenda-*
7 *tion of any 3 of the 4 Majority Leaders and Minority*
8 *Leaders of the two Houses of Congress, may remove*
9 *any member from the Board but only for—*

10 (A) *disability that substantially prevents*
11 *the member from carrying out the duties of such*
12 *a member;*

13 (B) *incompetence;*

14 (C) *neglect of duty;*

15 (D) *malfeasance in office;*

16 (E) *a felony or conduct involving moral*
17 *turpitude; or*

18 (F) *holding an office or employment or en-*
19 *gaging in an activity that disqualifies the indi-*
20 *vidual from service as a member of the Board*
21 *under subsection (c)(3).*

22 (2) *STATEMENT OF REASONS FOR REMOVAL.*—*In*
23 *removing any member from the Board, the Speaker of*
24 *the House of Representatives and the President pro*
25 *tempore of the Senate shall state in writing to the*

1 *member being removed the specific reasons for the re-*
2 *moval.*

3 *(h) RESPONSIBILITIES OF CHAIR; ACTING CHAIR.—*
4 *The Chair shall preside at all sessions of the Board and*
5 *shall fulfill the responsibilities of the Chair as specifically*
6 *stated in other sections of this Act. The Chair may designate*
7 *any other member as Acting Chair. During any period*
8 *when the position of the Chair is vacant, the other members*
9 *shall, by majority vote, designate any member as Acting*
10 *Chair. The Acting Chair may act in the place and stead*
11 *of the Chair during his or her absence or when the position*
12 *of the Chair is vacant.*

13 *(i) MEETINGS.—The Board shall meet at least 4 times*
14 *annually. All meetings of the Board shall be in the District*
15 *of Columbia.*

16 *(j) QUORUM; ACTION BY MAJORITY VOTE.—A quorum*
17 *for the transaction of business shall consist of at least 3*
18 *members present. Each member, including the Chair, shall*
19 *have one vote. Actions of the Board shall be determined by*
20 *a majority vote of the members present. Any vacancy shall*
21 *not affect the power of the remaining members to fulfill the*
22 *duties of the Board, provided that a quorum is present.*

23 *(k) COMPENSATION OF MEMBERS.—Each member of*
24 *the Board other than the Chair shall be compensated at a*
25 *rate equal to the daily equivalent of the annual rate of basic*

1 *pay prescribed for level V of the Executive Schedule under*
 2 *section 5316 of title 5, United States Code, for each day*
 3 *(including travel time) during which such member is en-*
 4 *gaged in the performance of the duties of the Board. The*
 5 *Chair shall be compensated in the same manner at a rate*
 6 *equal to the daily equivalent of the annual rate of basic*
 7 *pay prescribed for level IV of the Executive Schedule under*
 8 *section 5316 of title 5, United States Code.*

9 (1) *TRAVEL EXPENSES.*—Each member of the Board
 10 *of Directors shall receive travel expenses, including per*
 11 *diem in lieu of subsistence, at rates authorized for employ-*
 12 *ees of agencies under subchapter I of chapter 57 of title 5,*
 13 *United States Code, for each day the member is engaged*
 14 *in the performance of duties away from the home or regular*
 15 *place of business of the member.*

16 **SEC. 203. OFFICERS, STAFF, AND OTHER PERSONNEL.**

17 (a) *DIRECTOR.*—

18 (1) *IN GENERAL.*—The Chair, subject to the ap-
 19 *proval of the Board, shall appoint and may remove*
 20 *a Director. Selection and appointment of the Director*
 21 *shall be without regard to political affiliation and*
 22 *solely on the basis of fitness to perform the duties of*
 23 *the office. No person described in subparagraph (A) or*
 24 *(B) of section 202(c)(3) may be appointed Director.*

1 (2) *COMPENSATION.*—*The Chair may fix the*
2 *compensation of the Director. The rate of pay for the*
3 *Director may not exceed the annual rate of basic pay*
4 *prescribed for level V of the Executive Schedule under*
5 *section 5316 of title 5, United States Code.*

6 (3) *DUTIES.*—*The Director shall serve as the*
7 *chief operating officer of the Office. Except as other-*
8 *wise specified in this Act, the Director shall carry out*
9 *all of the responsibilities of the Office under this Act.*

10 (b) *GENERAL COUNSEL.*—

11 (1) *IN GENERAL.*—*The Chair, subject to the ap-*
12 *proval of the Board, shall appoint and may remove*
13 *a General Counsel. Selection and appointment of the*
14 *General Counsel shall be without regard to political*
15 *affiliation and solely on the basis of fitness to perform*
16 *the duties of the Office. No person described in sub-*
17 *paragraph (A) or (B) of section 202(c)(3) may be ap-*
18 *pointed General Counsel.*

19 (2) *COMPENSATION.*—*The Chair may fix the*
20 *compensation of the General Counsel. The rate of pay*
21 *for the General Counsel may not exceed the annual*
22 *rate of basic pay prescribed for level V of the Execu-*
23 *tive Schedule under section 5316 of title 5, United*
24 *States Code.*

25 (3) *DUTIES.*—*The General Counsel shall—*

1 (A) exercise the authorities and perform the
2 duties of the General Counsel as specified in this
3 Act; and

4 (B) otherwise assist the Board and the Di-
5 rector in carrying out their duties and powers.

6 (4) ATTORNEYS IN THE OFFICE OF THE GEN-
7 ERAL COUNSEL.—The General Counsel shall appoint,
8 and fix the compensation of, and may remove, such
9 additional attorneys as may be necessary to enable
10 the General Counsel to perform his or her duties.

11 (c) OTHER STAFF.—The Director shall appoint, and
12 fix the compensation of, and may remove, such other addi-
13 tional staff, including hearing officers, but not including
14 attorneys employed in the office of the General Counsel, as
15 may be necessary to enable the Office to perform its duties.

16 (d) DETAILED PERSONNEL.—The Director may, with
17 the prior consent of the Government department or agency
18 concerned, use on a reimbursable or nonreimbursable basis
19 the services of personnel of any such department or agency,
20 including the services of members or personnel of the Gen-
21 eral Accounting Office Personnel Appeals Board.

22 (e) CONSULTANTS.—In carrying out the functions of
23 the Office, the Director may procure the temporary (not to
24 exceed 1 year) or intermittent services of consultants.

1 **SEC. 204. RULEMAKING BY THE OFFICE.**

2 (a) *RULES OF THE OFFICE.*—

3 (1) *IN GENERAL.*—Not later than 180 days after
4 the appointment of a quorum of the Board, the Board
5 shall issue final rules of organization, procedures, and
6 practice (within the meaning of section 553(b)(A) of
7 title 5, United States Code), including rules on the
8 procedures of the Board and rules of procedure and
9 practice for proceedings before hearing officers and be-
10 fore the Board. Such rules may also specify authori-
11 ties and duties of the Director, the General Counsel,
12 and other personnel of the Office, consistent with the
13 authorities and duties granted and imposed under
14 this Act to clarify or establish the manner in which
15 the Office, including the Board, individual hearing
16 officers, and the General Counsel, shall interpret,
17 apply, and implement the substantive provisions,
18 remedies, authorities, and procedures set forth and re-
19 ferred to in this Act.

20 (2) *RULEMAKING PROCEDURE.*—Rules under this
21 subsection—

22 (A) shall be issued in accordance with sub-
23 section (d);

24 (B) shall, subject to subparagraph (C), be-
25 come effective immediately, except for rules of
26 procedure and practice for proceedings before

1 *hearing officers and before the Board, which*
2 *shall become effective 60 calendar days of contin-*
3 *uous session after the rules are issued; and*

4 *(C) shall be subject to disapproval by Con-*
5 *gress by concurrent resolution passed pursuant*
6 *to subsection (e) not later than 60 calendar days*
7 *of continuous session after the rules are issued.*

8 *(b) RULES OF INTERPRETATION AND POLICY.—*

9 *(1) IN GENERAL.—The Board shall adopt such*
10 *interpretative rules and such general statements of*
11 *policy (within the meaning of section 553(b)(A) of*
12 *title 5, United States Code) as the Board may deter-*
13 *mine are necessary to clarify or establish the manner*
14 *in which the Office, including the Board, individual*
15 *hearing officers, and the General Counsel, shall inter-*
16 *pret, apply, and implement the substantive provi-*
17 *sions, remedies, authorities, and procedures set forth*
18 *and referred to in this Act.*

19 *(2) RULEMAKING PROCEDURE.—Rules under this*
20 *subsection—*

21 *(A) shall be issued in accordance with sub-*
22 *section (d);*

23 *(B) shall, subject to subparagraph (C), be-*
24 *come effective not less than 60 calendar days of*
25 *continuous session after the rules are issued, ex-*

1 *cept as may be otherwise provided by the Board*
2 *for good cause found (within the meaning of sec-*
3 *tion 553(d)(3) of title 5, United States Code)*
4 *and published with the rule; and*

5 *(C) shall be subject to disapproval by Con-*
6 *gress by concurrent resolution passed pursuant*
7 *to subsection (e) not later than 60 calendar days*
8 *of continuous session after the rules are issued.*

9 *(c) SUBSTANTIVE RULES, HAVING THE FORCE AND*
10 *EFFECT OF LAW.—*

11 *(1) IN GENERAL.—The Board shall adopt such*
12 *substantive rules, having the force and effect of law,*
13 *as the Board may determine are necessary or desir-*
14 *able to apply statutory provisions under title I in a*
15 *manner that will fulfill the purposes of those provi-*
16 *sions and of this Act.*

17 *(2) RULEMAKING PROCEDURE.—Rules under this*
18 *subsection—*

19 *(A) shall be issued in accordance with sub-*
20 *section (d);*

21 *(B) shall be issued subject to approval by*
22 *Congress by passage of a joint resolution or stat-*
23 *ute in accordance with subsection (f); and*

24 *(C) shall become effective and have the force*
25 *and effect of law not less than 30 days after the*

1 *approval referred to in subparagraph (C), except*
2 *that a lesser period may be provided by the*
3 *Board for good cause found (within the meaning*
4 *of section 553(d)(3) of title 5, United States*
5 *Code) and published with the rule.*

6 *(d) PUBLICATION AND ISSUANCE. —*

7 *(1) RULEMAKING PROCEDURE.—The Board shall*
8 *issue rules described in subsections (a), (b), and (c)*
9 *in accordance with the principles and procedures set*
10 *forth in section 553 of title 5, United States Code.*
11 *The Board shall publish a general notice of proposed*
12 *rulemaking under section 553(b) of title 5, United*
13 *States Code, but, instead of publication of a general*
14 *notice of proposed rulemaking in the Federal Register,*
15 *the Board shall transmit such notice to the Speaker*
16 *of the House of Representatives and the President pro*
17 *tempore of the Senate for publication in the Congres-*
18 *sional Record on the first day on which both Houses*
19 *are in session following such transmittal. Prior to is-*
20 *ssuing rules, the Board shall provide a comment pe-*
21 *riod of at least 30 days after publication of a general*
22 *notice of proposed rulemaking. Upon issuing final*
23 *rules, the Board shall transmit notice of such action*
24 *together with a copy of such rules to the Speaker of*
25 *the House of Representatives and the President pro*

1 *tempore of the Senate for publication in the Congres-*
2 *sional Record on the first day on which both Houses*
3 *are in session following such transmittal. Rules shall*
4 *be considered issued by the Board as of the date on*
5 *which they are published in the Congressional Record.*

6 (2) *SPECIFICATION OF WHETHER A RULE IS TO*
7 *HAVE THE FORCE AND EFFECT OF LAW.—If the Board*
8 *intends that any rule is to have the force and effect*
9 *of law, in accordance with subsection (c), the Board*
10 *shall so specify in the general notice of proposed rule-*
11 *making and in the final rule. In the case of any final*
12 *rule intended to have the force and effect of law, the*
13 *Board may also specify in the final rule that, prior*
14 *to (or in the absence of) approval in accordance with*
15 *subsection (f), the rule shall become effective in ac-*
16 *cordance with subsection (a) or (b).*

17 (e) *CONGRESSIONAL DISAPPROVAL.—Rules issued*
18 *under subsection (a) or (b) may be disapproved, in whole*
19 *or in part, by passage by Congress of a concurrent resolu-*
20 *tion within 60 calendar days of continuous session after*
21 *such rules are issued. Such resolution shall be introduced*
22 *in the House of Representatives or the Senate on or after*
23 *the date of issuance of the rules to which the concurrent*
24 *resolution applies. The matter after the resolving clause of*
25 *the concurrent resolution shall be or shall include the follow-*

1 ing: “[Section(s) ____ of] the rules issued by the Office on
 2 Congressional Fair Employment Practices on ____ and en-
 3 titled ____, are hereby disapproved” (the blank spaces being
 4 appropriately filled in, and the bracketed material being
 5 used if necessary).

6 (f) CONGRESSIONAL APPROVAL OF SUBSTANTIVE
 7 RULES.—Rules issued under subsection (c) shall not have
 8 the force and effect of law until approved by the Congress
 9 by passage of a joint resolution or by statute. In the case
 10 of a joint resolution, the matter after the resolving clause
 11 shall be the following; and, in the case of a bill, the matter
 12 after the enacting clause shall be or shall include the follow-
 13 ing: “The rules issued by the Office on Congressional Fair
 14 Employment Practices on ____ and entitled ____ are here-
 15 by approved and shall have the force and effect of law” (the
 16 blank spaces being appropriately filled in). A joint resolu-
 17 tion approving the rules shall be introduced and considered
 18 by the Congress under the rules set forth in section 401.

19 (g) AMENDMENT OF RULES.—The rules described in
 20 subsections (a), (b), and (c) may be amended in the same
 21 manner as is described in subsections (d), (e), and (f), ex-
 22 cept that the Board may, in its discretion, dispense with
 23 publication of a general notice of proposed rulemaking of
 24 minor, technical, or urgent amendments that satisfy the cri-

1 *teria for dispensing with publication of such notice pursu-*
 2 *ant to section 553(b) of title 5, United States Code.*

3 *(h) RIGHT TO PETITION FOR RULEMAKING.—Any in-*
 4 *terested party may petition to the Board for the issuance,*
 5 *amendment, or repeal of a rule.*

6 *(i) APPLICATION OF EXECUTIVE AGENCY REGULA-*
 7 *TIONS BY REFERENCE.—*

8 *(1) IN GENERAL.—The Board may, by specific*
 9 *reference in rules issued under this section, apply reg-*
 10 *ulations issued by any Executive agency, including, if*
 11 *the Board so specifies, regulations yet to be issued by*
 12 *the Executive agency. However, no regulation issued*
 13 *by an Executive agency that would apply to, or affect*
 14 *only, or substantially only, the Congress or any in-*
 15 *strumentality or other entity of the legislative branch*
 16 *may be made applicable by the Board by reference.*

17 *(2) DEFINITION.—For purposes of this sub-*
 18 *section, the term “Executive agency” has the same*
 19 *meaning given such term in section 105 of title 5,*
 20 *United States Code.*

21 *(j) JUDICIAL DEFERENCE TO RULES.—In any action*
 22 *under section 305 of this Act—*

23 *(1) the court shall afford due deference to any*
 24 *rule issued and effective under subsection (a) or (b);*
 25 *and*

1 (2) any rule issued and effective under subsection
2 (c) shall have the force and effect of law.

3 (k) *CONSULTATION.*—The Director and the Board—

4 (1) shall consult, with regard to the development
5 and issuance of rules, with—

6 (A) the Chairman of the Administrative
7 Conference of the United States;

8 (B) the Secretary of Labor;

9 (C) the Federal Labor Relations Authority;

10 and

11 (D) the Director of the Office of Personnel
12 Management; and

13 (2) may consult with any other persons with
14 whom consultation, in the opinion of the Board or the
15 Director, may be helpful.

16 **SEC. 205. INFORMATION PROGRAM.**

17 The Board shall conduct an information program to
18 inform Members of the House of Representatives, Senators,
19 elected officers of either House, heads of employing offices,
20 and covered employees about the provisions made applicable
21 to them under this Act.

22 **SEC. 206. DATA COLLECTION AND REPORT.**

23 The Director shall compile and annually publish sta-
24 tistics with respect to contacts and complaints filed with
25 the Office under this Act. Such statistics shall include the

1 *total numbers of contacts and complaints, and a breakdown*
2 *regarding—*

3 *(1) the kinds of allegations made in contacts*
4 *with the Office and complaints filed with the Office;*

5 *(2) the time required by the Office to conduct*
6 *proceedings and resolve various types of matters;*

7 *(3) the number of complaints resolved by settle-*
8 *ment, by decision under section 303, or by with-*
9 *drawal of the complaint; and*

10 *(4) for each category of allegation, the amounts*
11 *of monetary compensation granted in settlements and*
12 *awards.*

13 ***SEC. 207. EXPENSES OF THE OFFICE.***

14 *(a) AUTHORIZATION OF APPROPRIATIONS.—Begin-*
15 *ning in fiscal year 1995, and for each fiscal year thereafter,*
16 *there are authorized to be appropriated for the expenses of*
17 *the Office such sums as may be necessary to carry out the*
18 *functions of the Office. Until sums are first appropriated*
19 *pursuant to the preceding sentence, but for a period not*
20 *exceeding 12 months following the date of enactment of this*
21 *Act, the expenses of the Office shall be paid 50 percent from*
22 *the contingent fund of the Senate, and 50 percent from the*
23 *contingent fund of the House, upon vouchers approved by*
24 *the Director.*

1 (b) *WITNESS FEES AND ALLOWANCES.*—Except for
 2 covered employees, witnesses before a hearing officer or the
 3 Board in any proceeding under title I other than rule-
 4 making shall be paid the same fee and mileage allowances
 5 as are paid subpoenaed witnesses in the courts of the United
 6 States. Covered employees who are summoned, or are as-
 7 signed by their employer, to testify in their official capacity
 8 or to produce official records before a mediator, hearing offi-
 9 cer, or the Board in any proceeding under this Act shall
 10 be entitled to travel expenses under subchapter I and section
 11 5751 of chapter 57 of title 5, United States Code.

12 ***TITLE III—ADMINISTRATIVE AND***
 13 ***JUDICIAL DISPUTE-RESOLU-***
 14 ***TION PROCEDURES***

15 ***SEC. 301. COUNSELING.***

16 (a) *INITIATION.*—Any employee referred to in section
 17 104(1) may, within the time specified in section 307, re-
 18 quest counseling.

19 (b) *PURPOSE.*—The Office shall provide the employee
 20 with all relevant information with respect to the rights and
 21 remedies as provided under this Act and shall provide an
 22 opportunity for discussion, evaluation, and guidance to as-
 23 sist the employee in evaluating and resolving the matter.

24 (c) *PERIOD OF COUNSELING.*—The period for counsel-
 25 ing shall begin on the date on which the request for counsel-

1 *ing is received and shall be 30 days unless the employee*
 2 *and the Office agree to reduce the period.*

3 *(d) NOTIFICATION OF END OF COUNSELING PERIOD.—*
 4 *The Office shall notify the employee in writing when the*
 5 *counseling period has ended.*

6 *(e) EMPLOYEES OF THE ARCHITECT OF THE CAPITOL*
 7 *AND CAPITOL POLICE.—In the case of an employee of the*
 8 *Architect of the Capitol or an employee who is a member*
 9 *of the Capitol Police, the Director may refer the employee*
 10 *to the Architect of the Capitol or the Capitol Police Board*
 11 *for resolution of the employee's grievance through internal*
 12 *grievance procedures of the Architect of the Capitol or the*
 13 *Capitol Police Board for a specific period of time, which*
 14 *shall not count against the time available for counseling*
 15 *or mediation under this Act.*

16 **SEC. 302. MEDIATION.**

17 *(a) APPLICABILITY.—Except as otherwise expressly*
 18 *provided in this Act, the provisions of this section shall gov-*
 19 *ern all mediation conducted by the Office pursuant to this*
 20 *Act.*

21 *(b) INITIATION.—Not later than 15 days after the Of-*
 22 *fice notifies an employee of the end of the counseling period*
 23 *under section 301(d), the employee may file a request for*
 24 *mediation with the Office. Mediation may also be initiated*
 25 *pursuant to sections 105(d)(2) and 106(c)(5).*

1 (c) *MEDIATION PROCESS.*—The Director shall specify
2 one or more individuals to mediate any dispute. In identi-
3 fying individuals to mediate, the Director shall consider in-
4 dividuals who are recommended to the Director by the Fed-
5 eral Mediation and Conciliation Service, the Administra-
6 tive Conference of the United States, or other appropriate
7 organizations.

8 (d) *MEDIATION PERIOD.*—

9 (1) *IN GENERAL.*—The mediation period shall be
10 60 days, beginning on the date the request for medi-
11 ation is received by the Office.

12 (2) *EXTENSION.*—The mediation period may be
13 extended for an additional 30 days at the discretion
14 of the Director. If the Director authorizes factfinding
15 under subsection (e), the Director may extend the me-
16 diation period for up to 60 additional days. The me-
17 diation period may be extended for additional periods
18 at the joint request of the employee and the employing
19 office.

20 (e) *FACTFINDING IN AID OF MEDIATION.*—Upon the
21 recommendation of the mediator (at the request of the em-
22 ployee or the employing office, or on the mediator's own
23 initiative), the Director may authorize factfinding in aid
24 of resolving the dispute through mediation. The Director
25 may assign an employee of the Office or appoint a consult-

1 ant to conduct the factfinding on issues identified by the
 2 mediator. The individual conducting the factfinding shall
 3 report to the mediator the results of the factfinding. Such
 4 results shall not be admissible in any subsequent proceeding
 5 under this Act or in any other proceeding.

6 (f) NOTIFICATION OF END OF MEDIATION PERIOD.—
 7 The Office shall notify the employee and the head of the
 8 employing office in writing when the mediation period has
 9 ended.

10 (g) INDEPENDENCE OF MEDIATION PROCESS.—No in-
 11 dividual appointed by the Director to mediate or to be a
 12 factfinder in aid of the mediator may conduct or aid in
 13 the hearing conducted under section 303 with respect to the
 14 same matter or shall be subject to subpoena or any other
 15 compulsory process with respect to the same matter.

16 **SEC. 303. COMPLAINT AND HEARING.**

17 (a) APPLICABILITY.—Except as otherwise expressly
 18 provided in this Act, the provisions of this section shall gov-
 19 ern all hearings conducted by a hearing officer pursuant
 20 to this Act.

21 (b) COMPLAINT.—Any complaint shall be filed with the
 22 Office against the employing office. Any complaint required
 23 by this Act to be preceded by counseling and mediation may
 24 not be filed unless the employee has made a timely request

1 *for counseling and has completed the procedures set forth*
2 *in sections 301 and 302.*

3 (c) *HEARING OFFICER.*—Upon the filing of a com-
4 *plaint, the Director shall appoint an independent hearing*
5 *officer to consider the complaint and render a decision. No*
6 *Member of the House of Representatives, Senator, officer of*
7 *either the House of Representatives or the Senate, head of*
8 *an employing office, member of the Board, or covered em-*
9 *ployee may be appointed to be a hearing officer under this*
10 *Act. The Director shall develop master lists, composed of*
11 *individuals experienced in adjudicating and arbitrating the*
12 *kinds of personnel and other matters for which hearings*
13 *may be held under this Act, after considering candidates*
14 *recommended to the Director by the Federal Mediation and*
15 *Conciliation Service, the Administrative Conference of the*
16 *United States, or organizations composed primarily of in-*
17 *dividuals experienced in adjudicating or arbitrating such*
18 *matters. The Director shall select hearing officers on a rota-*
19 *tional or random basis from these lists. Nothing in this sec-*
20 *tion shall prevent the appointment of hearing officers as*
21 *full-time employees of the Office, or the selection of hearing*
22 *officers on the basis of specialized expertise needed for par-*
23 *ticular matters.*

24 (d) *HEARING.*—Unless a complaint is dismissed prior
25 *to hearing, a hearing shall be conducted—*

1 (1) *on the record by the hearing officer;*

2 (2) *as expeditiously as practical, commencing*
3 *not later than 90 days after the filing of the com-*
4 *plaint; and*

5 (3) *except as specifically provided in this Act*
6 *and to the greatest extent practicable, in accordance*
7 *with the principles and procedures set forth in sec-*
8 *tions 554 through 557 of title 5, United States Code.*

9 (e) *DISCOVERY.—Reasonable prehearing discovery*
10 *may be permitted at the discretion of the hearing officer.*

11 (f) *SUBPOENAS.—*

12 (1) *IN GENERAL.—At the request of a party, a*
13 *hearing officer may issue subpoenas for the attend-*
14 *ance of witnesses and for the production of cor-*
15 *respondence, books, papers, documents, and other*
16 *records. The attendance of witnesses and the produc-*
17 *tion of records may be required from any place with-*
18 *in the United States. Subpoenas shall be served in the*
19 *manner provided under rule 45(b) of the Federal*
20 *Rules of Civil Procedure.*

21 (2) *OBJECTIONS.—If a person refuses, on the*
22 *basis of relevance, privilege, or other objection, to tes-*
23 *tify in response to a question or to produce records*
24 *in connection with a proceeding before a hearing offi-*
25 *cer, the hearing officer shall rule on the objection. At*

1 *the request of the witness or any party, the hearing*
2 *officer shall (or on the hearing officer's own initiative,*
3 *the hearing officer may) refer the ruling to the Board*
4 *for review.*

5 (3) *ENFORCEMENT.*—

6 (A) *IN GENERAL.*—*If a person fails to com-*
7 *ply with a subpoena, the Board may authorize*
8 *the General Counsel to apply to an appropriate*
9 *United States district court for an order requir-*
10 *ing that person to appear before the hearing offi-*
11 *cer to give testimony or produce records. The ap-*
12 *plication may be made within the judicial dis-*
13 *trict where the hearing is conducted or where*
14 *that person is found, resides, or transacts busi-*
15 *ness. Any failure to obey a lawful order of the*
16 *district court issued pursuant to this section*
17 *may be held by such court to be a civil contempt*
18 *thereof.*

19 (B) *SERVICE OF PROCESS.*—*Process in an*
20 *action or contempt proceeding pursuant to sub-*
21 *paragraph (A) may be served in any judicial*
22 *district in which the person refusing or failing*
23 *to comply, or threatening to refuse or not to com-*
24 *ply, resides, transacts business, or may be found,*
25 *and subpoenas for witnesses who are required to*

1 *attend such proceedings may run into any other*
2 *district.*

3 (g) *DECISION.*—*The hearing officer shall issue a writ-*
4 *ten decision as expeditiously as possible, but in no case*
5 *more than 60 days after the conclusion of the hearing. The*
6 *written decision shall be transmitted by the Office to the*
7 *parties. The decision shall state the issues raised in the com-*
8 *plaint, describe the evidence in the record, contain findings*
9 *of fact and conclusions of law, contain a determination of*
10 *whether a violation has occurred, and order such remedies*
11 *as are appropriate pursuant to section 101(c), 102(c),*
12 *103(c), 105(c), 106(c), or 107. The decision shall be entered*
13 *in the records of the Office.*

14 (h) *PRECEDENTS.*—*A hearing officer who conducts a*
15 *hearing under this section shall be guided by judicial deci-*
16 *sions under the statutes made applicable by title I and by*
17 *Board decisions under this Act.*

18 **SEC. 304. APPEAL TO THE BOARD.**

19 (a) *IN GENERAL.*—*In any case in which a final deci-*
20 *sion by a hearing officer is subject to review by the Board,*
21 *the party seeking such review shall file a petition for review*
22 *not later than 30 days after notice of the entry of the deci-*
23 *sion in the records of the Office under section 303(g).*

24 (b) *PARTIES' OPPORTUNITY TO SUBMIT ARGUMENT.*—
25 *The parties shall have a reasonable opportunity to be heard,*

1 *through written submission and, in the discretion of the*
2 *Board, through oral argument.*

3 *(c) STANDARD OF REVIEW.—The Board shall set aside*
4 *a decision of a hearing officer if the Board determines that*
5 *the decision was—*

6 *(1) arbitrary, capricious, an abuse of discretion,*
7 *or otherwise not consistent with law;*

8 *(2) not made consistent with required proce-*
9 *dures; or*

10 *(3) unsupported by substantial evidence.*

11 *(d) RECORD.—In making determinations under sub-*
12 *section (c), the Board shall review the whole record, or those*
13 *parts of it cited by a party, and due account shall be taken*
14 *of the rule of prejudicial error. The record on review shall*
15 *include the record before the hearing officer and the decision*
16 *of the hearing officer.*

17 *(e) DECISION.—The Board shall issue a written deci-*
18 *sion setting forth the reasons for its decision. The decision*
19 *may affirm, reverse, or remand to the hearing officer for*
20 *further proceedings. A decision that does not require further*
21 *proceedings before a hearing officer shall be entered in the*
22 *records of the Office as a final decision.*

23 **SEC. 305. JUDICIAL REVIEW OF A FINAL DECISION.**

24 *(a) IN GENERAL.—This section applies to petitions*
25 *under section 104(5), 105(d)(4), 106(c)(5), or 107(b)(4) for*

1 *judicial review of a final decision of the Board in the Unit-*
2 *ed States Court of Appeals for the Federal Circuit.*

3 (b) *LAW APPLICABLE.*—Chapter 158 of title 28, United
4 States Code, shall apply to review under subsection (a) ex-
5 cept that—

6 (1) *with respect to section 2344 of title 28, Unit-*
7 *ed States Code, the clerk shall serve a copy of the peti-*
8 *tion on the General Counsel;*

9 (2) *the provisions of section 2348 of title 28,*
10 *United States Code, on the authority of the Attorney*
11 *General, shall not apply;*

12 (3) *the petition for review shall be filed not later*
13 *than 90 days after the entry in the Office of a final*
14 *decision under section 304(e) of this Act;*

15 (4) *the Office shall be an “agency” as that term*
16 *is used in chapter 158 of title 28, United States Code,*
17 *and reference to the Attorney General shall be deemed*
18 *to refer to the General Counsel; and*

19 (5) *the Office shall be the respondent in any pro-*
20 *ceeding under this section.*

21 (c) *ADDITIONAL SERVICE.*—At or before the time of fil-
22 ing a petition for review, the petitioner shall serve a copy
23 thereof on all parties who shall have been admitted to par-
24 ticipate in the proceedings before the Office, and shall file
25 with the clerk of the court a list of those so served.

1 (d) *STANDARD OF REVIEW.*—To the extent necessary
 2 to decision and when presented, the court shall decide all
 3 relevant questions of law and interpret constitutional and
 4 statutory provisions. The court shall set aside a final deci-
 5 sion of the Board under section 304 if it determines that
 6 the decision was—

7 (1) arbitrary, capricious, an abuse of discretion,
 8 or otherwise not consistent with law;

9 (2) not made consistent with required proce-
 10 dures; or

11 (3) unsupported by substantial evidence.

12 (e) *RECORD.*—In making determinations under sub-
 13 section (d), the court shall review the whole record, or those
 14 parts of it cited by a party, and due account shall be taken
 15 of the rule of prejudicial error. The record on review shall
 16 include the record before the Board and the decision of the
 17 Board.

18 (f) *ATTORNEYS' FEES.*—In proceedings under this sec-
 19 tion relating to an alleged violation of a statute made ap-
 20 plicable by title I of this Act, attorney's fees may be allowed
 21 by the court in accordance with the standards prescribed
 22 under Federal law for the award of fees under such statute.

23 **SEC. 306. CIVIL ACTIONS.**

24 (a) *IN GENERAL.*—This section governs all civil ac-
 25 tions commenced pursuant to section 104(3)(B).

1 (b) *PARTIES.*—In any such action, the defendant
2 shall—

3 (1) in an action by an employee of the Senate,
4 be the Senate;

5 (2) in an action by an employee of the House of
6 Representatives, be the House of Representatives; and

7 (3) in an action by any other covered employee,
8 be the employing office.

9 (c) *JURY TRIAL.*—Any party may demand a jury trial
10 where a jury trial would be available in an action against
11 an Executive agency (as defined in section 105 of title 5,
12 United States Code) under the relevant statute made appli-
13 cable by this Act.

14 (d) *INTERVENTION OF RIGHT.*—In any action de-
15 scribed in subsection (b) (1) or (2), the head of the employ-
16 ing office shall be entitled to intervene as of right.

17 **SEC. 307. TIME LIMITATIONS.**

18 (a) *COUNSELING REQUESTS.*—A request for counseling
19 shall be made not later than—

20 (1) 180 days after the date of the alleged viola-
21 tion under provisions of sections 101 or 103 for which
22 the counseling is requested; or

23 (2) 2 years after the date of the alleged violation
24 under section 102 for which the counseling is re-

1 *quested, or 3 years after an alleged willful violation*
2 *under section 102.*

3 *(b) CHARGES FILED WITH THE GENERAL COUNSEL.—*

4 *(1) DISCRIMINATION IN PUBLIC SERVICES.—Any*
5 *charge of a violation of section 105(d) must be filed*
6 *with the General Counsel in writing by no later than*
7 *180 days after the alleged violation.*

8 *(2) DISCHARGE OR DISCRIMINATION FOR EXER-*
9 *CISING RIGHTS RELATING TO OCCUPATIONAL SAFETY*
10 *AND HEALTH.—Any charge of a violation of section*
11 *106(d) must be filed with the General Counsel in*
12 *writing by no later than 30 days after the alleged vio-*
13 *lation.*

14 **SEC. 308. SETTLEMENT OF COMPLAINTS.**

15 *If, after a complaint is filed under section 303, the*
16 *parties resolve the issues involved, the settlement shall be*
17 *in writing and shall be subject to the approval of the Direc-*
18 *tor.*

19 **SEC. 309. CONFIDENTIALITY.**

20 *(a) COUNSELING.—All counseling shall be strictly con-*
21 *fidential except that the Office and the employee may agree*
22 *to notify the head of the employing office of the allegations.*

23 *(b) MEDIATION.—All mediation conducted under this*
24 *Act shall be strictly confidential.*

1 (c) *HEARINGS.*—*The hearings and deliberations of*
 2 *hearing officers and of the Board on complaints under this*
 3 *Act shall be strictly confidential.*

4 (d) *RELEASE OF RECORDS FOR JUDICIAL REVIEW.*—
 5 *The complete record of the proceedings before the hearing*
 6 *officer and the Board, including the decision, may be made*
 7 *public for the purpose of judicial review under section 305*
 8 *and enforcement of subpoenas under section 303(f).*

9 (e) *REPORTS TO CONGRESS.*—*Nothing in this section*
 10 *shall preclude the disclosure to Congress of information re-*
 11 *quired under section 310.*

12 ***SEC. 310. DISCLOSURE TO COMMITTEES OF CONGRESS.***

13 *The Board—*

14 (1) *may, at its discretion, provide to the Com-*
 15 *mittee on Standards of Official Conduct of the House*
 16 *of Representatives or the Select Committee on Ethics*
 17 *of the Senate; and*

18 (2) *shall, at the request of either of such commit-*
 19 *tees;*

20 *provide to such committee the record of a hearing and the*
 21 *decision of the hearing officer, and the record of consider-*
 22 *ation and the decision of the Board on appeal, after comple-*
 23 *tion of procedures described in sections 303 and 304.*

1 **SEC. 311. REPRESENTATION.**

2 *A covered employee or other complainant is entitled*
3 *to be assisted by counsel or other representative at any stage*
4 *of any proceeding administered by the Office, including the*
5 *proceedings under sections 301, 302, 303, and 304.*

6 **TITLE IV—MISCELLANEOUS**
7 **PROVISIONS**

8 **SEC. 401. EXPEDITED PROCEDURES FOR CONGRESSIONAL**
9 **CONSIDERATION OF SUBSTANTIVE RULES.**

10 *(a) INTRODUCTION OF JOINT RESOLUTIONS.—On the*
11 *same day as a final substantive rule issued under section*
12 *204(c) is published in the Congressional Record, the Major-*
13 *ity Leader of the House of Representatives or his designee*
14 *(for himself and the Minority Leader or his designee) and*
15 *the Majority Leader of the Senate or his designee (for him-*
16 *self and the Minority Leader or his designee) shall each in-*
17 *troduce a joint resolution in the form specified in section*
18 *204(f).*

19 *(b) REFERRAL.—The joint resolutions introduced*
20 *under subsection (a) shall be referred by the Presiding Offi-*
21 *cers of the respective Houses to, in the House of Representa-*
22 *tives, the Committee on House Administration, and, in the*
23 *Senate, jointly to the Committee on Governmental Affairs*
24 *and the Committee on Rules. A committee to which such*
25 *joint resolution is referred under this subsection shall report*

1 *such joint resolution to its respective House without amend-*
2 *ment.*

3 (c) *DISCHARGE OF COMMITTEE.*—*If any committee to*
4 *which a joint resolution introduced under subsection (a) is*
5 *referred has not reported such resolution at the end of the*
6 *45th calendar day of continuous session after its introduc-*
7 *tion, such committee shall be automatically discharged from*
8 *further consideration of the joint resolution and, upon being*
9 *reported or discharged from all committees, such joint reso-*
10 *lution shall be placed on the appropriate calendar.*

11 (d) *FLOOR CONSIDERATION.*—

12 (1) *IN GENERAL.*—*On or after the 5th calendar*
13 *day of continuous session after the date on which a*
14 *joint resolution introduced under subsection (a) has*
15 *been placed on the calendar, it shall be in order (even*
16 *though a previous motion to the same effect has been*
17 *disagreed to) for any Member of the relevant House*
18 *to move to proceed to the consideration of the joint*
19 *resolution. All points of order against the joint resolu-*
20 *tion (and against consideration of the joint resolu-*
21 *tion) are waived. The motion is highly privileged in*
22 *the House of Representatives and is privileged in the*
23 *Senate and is not debatable. The motion is not subject*
24 *to amendment, or to a motion to postpone, or to a*
25 *motion to proceed to the consideration of other busi-*

1 *ness. A motion to reconsider the vote by which the*
2 *motion is agreed to or disagreed to is not in order.*
3 *If a motion to proceed to the consideration of the joint*
4 *resolution is agreed to, the joint resolution shall re-*
5 *main the unfinished business of the relevant House*
6 *until disposed of.*

7 (2) *DEBATE.—Debate on the joint resolution,*
8 *and on all debatable motions and appeals in connec-*
9 *tion therewith, shall be limited to not more than 10*
10 *hours in each House, which time shall be divided*
11 *equally between those favoring and those opposing the*
12 *joint resolution. A motion further to limit debate is*
13 *in order and is not debatable. An amendment to, or*
14 *a motion to postpone, or a motion to proceed to the*
15 *consideration of other business, or a motion to recom-*
16 *mit the joint resolution is not in order.*

17 (3) *AMENDMENTS PROHIBITED.—No amendment*
18 *to the joint resolution is in order.*

19 (4) *VOTE ON FINAL PASSAGE.—Immediately fol-*
20 *lowing the conclusion of the debate on a joint resolu-*
21 *tion described in subsection (a), and a single quorum*
22 *call at the conclusion of the debate if requested in ac-*
23 *cordance with the rules of the appropriate House, the*
24 *vote on final passage of the joint resolution shall*
25 *occur. A motion to reconsider the vote by which the*

1 *joint resolution is agreed to or disagreed to is not in*
2 *order.*

3 (5) *MOTION TO SUSPEND APPLICATION.*—No mo-
4 *tion to suspend the application of this section shall be*
5 *in order, nor shall it be in order for the Presiding Of-*
6 *ficer to entertain a request to suspend the application*
7 *of this section by unanimous consent.*

8 (6) *RULINGS OF THE CHAIR ON PROCEDURE.*—
9 *Appeals from the decisions of the Chair relating to the*
10 *application of the rules of the Senate or the House of*
11 *Representatives, as the case may be, to the procedure*
12 *relating to a joint resolution described in subsection*
13 *(a) shall be decided without debate.*

14 (e) *COORDINATION WITH ACTION BY OTHER*
15 *HOUSE.*—If, before one House passes a joint resolution de-
16 *scribed in subsection (a), that House receives from the other*
17 *House a joint resolution or bill with identical text after the*
18 *resolving or enacting clause, then the following procedures*
19 *shall apply:*

20 (1) *The joint resolution or bill of the other House*
21 *shall not be referred to a committee and shall be*
22 *deemed to have been read three times.*

23 (2) *With respect to the joint resolution described*
24 *in subsection (a) of the House that received the joint*
25 *resolution from the other House—*

1 (A) the procedure shall be the same as if no
2 joint resolution had been received from the other
3 House; except

4 (B) the vote on final passage shall be on the
5 joint resolution or bill of the other House.

6 (f) *NUMBERS OF DAYS.*—For purposes of this section,
7 in computing a number of calendar days in either House,
8 there shall be excluded any day on which that House was
9 not in session.

10 **SEC. 402. EXERCISE OF RULEMAKING POWERS.**

11 The provisions of sections 204 and 401, and the provi-
12 sions of any rules issued by the Board under sections 204(a)
13 and 204(b) are issued—

14 (1) as an exercise of the rulemaking power of the
15 House of Representatives and the Senate, respectively,
16 and as such they shall be considered as part of the
17 rules of such House, respectively, and such rules shall
18 supersede other rules only to the extent that they are
19 inconsistent therewith; and

20 (2) with full recognition of the constitutional
21 right of either House to change such rules (so far as
22 relating to such House) at any time, in the same
23 manner, and to the same extent as in the case of any
24 other rule of each House.

1 **SEC. 403. SETTLEMENT AND AWARDS RESERVES; AUTHOR-**
2 **IZATION OF APPROPRIATIONS.**

3 (a) *FOR THE HOUSE OF REPRESENTATIVES.*—

4 (1) *ESTABLISHMENT OF ACCOUNT.*—*There is es-*
5 *tablished in the Contingent Fund of the House of*
6 *Representatives a “Settlements and Awards Reserve”*
7 *appropriation account—*

8 (A) *into which shall be deposited appro-*
9 *priated funds and amounts transferred by the*
10 *Clerk of the House of Representatives from funds*
11 *available to the Clerk for disbursement by the*
12 *Clerk; and*

13 (B) *that shall be available as provided in*
14 *paragraph (2).*

15 (2) *PAYMENTS.*—*The appropriation account es-*
16 *tablished by paragraph (1) shall be available for the*
17 *payment of awards under sections 303 through 306*
18 *and agreements under section 308.*

19 (b) *FOR THE SENATE.*—

20 (1) *ESTABLISHMENT OF ACCOUNT.*—*There is es-*
21 *tablished in the Contingent Fund of the Senate a*
22 *“Settlements and Awards Reserve” appropriation ac-*
23 *count—*

24 (A) *into which shall be deposited appro-*
25 *priated funds and amounts transferred by the*
26 *Secretary of the Senate from funds available to*

1 *the Secretary for disbursement by the Secretary;*
2 *and*

3 *(B) that shall be available as provided in*
4 *paragraph (2).*

5 *(2) PAYMENTS.—The appropriation account es-*
6 *tablished by paragraph (1) shall be available for the*
7 *payment of awards under sections 303 through 306*
8 *and agreements under section 308.*

9 *(c) AUTHORIZATION OF APPROPRIATIONS.—There are*
10 *authorized to be appropriated such sums as are necessary*
11 *for the purposes of subsections (a)(2) and (b)(2), and other-*
12 *wise for the purposes of payment of awards under sections*
13 *303 through 306 and agreements under section 308. Awards*
14 *and agreements shall be paid out of such appropriations*
15 *and out of any amounts otherwise available to heads of em-*
16 *ploying offices, or other offices liable or potentially liable*
17 *under this Act, for disbursement by them. No amounts shall*
18 *be paid for awards or agreements under this Act out of the*
19 *Claims and Judgment Fund of the Treasury.*

20 ***SEC. 404. OTHER JUDICIAL REVIEW PROHIBITED.***

21 *Except in proceedings expressly authorized by sections*
22 *305 and 306, the compliance or noncompliance with the*
23 *provisions of this Act and any action taken pursuant to*
24 *this Act shall not be subject to judicial review.*

1 **SEC. 405. SEVERABILITY.**

2 *If any provision of this Act or the application of such*
3 *provision to any person or circumstance is held to be in-*
4 *valid, the remainder of this Act and the application of the*
5 *provisions of such to any person or circumstance shall not*
6 *be affected thereby.*

7 **SEC. 406. POLITICAL AFFILIATION AND PLACE OF RESI-**
8 **DENCE.**

9 *(a) IN GENERAL.—It shall not be a violation of any*
10 *provision of section 101 to consider the—*

11 *(1) party affiliation;*

12 *(2) domicile; or*

13 *(3) political compatibility with the employing*
14 *office;*

15 *of an employee referred to in subsection (b) with respect*
16 *to employment decisions.*

17 *(b) DEFINITION.—For purposes of subsection (a), the*
18 *term “employee” means—*

19 *(1) an employee on the staff of the leadership of*
20 *the House of Representatives or the leadership of the*
21 *Senate;*

22 *(2) an employee on the staff of a committee or*
23 *subcommittee of—*

24 *(A) the House of Representatives;*

25 *(B) the Senate; or*

26 *(C) a joint committee of the Congress;*

1 (3) *an employee on the staff of a Member of the*
2 *House of Representatives or on the staff of a Senator;*

3 (4) *an officer of the House of Representatives or*
4 *the Senate or a congressional employee who is elected*
5 *by the House of Representatives or Senate or is ap-*
6 *pointed by a Member of the House of Representatives*
7 *or by a Senator (in addition an employee described*
8 *in paragraph (1), (2), or (3)); or*

9 (5) *an applicant for a position that is to be oc-*
10 *cupied by an individual described in any of para-*
11 *graphs (1) through (4).*

12 **SEC. 407. NONDISCRIMINATION RULES OF THE HOUSE AND**
13 **SENATE.**

14 *The Select Committee on Ethics of the Senate and the*
15 *Committee on Standards of Official Conduct of the House*
16 *of Representatives retain full power, in accordance with the*
17 *authority provided to them by the Senate and the House,*
18 *with respect to the discipline of Members, officers, and em-*
19 *ployees for violating rules of the Senate and the House on*
20 *nondiscrimination in employment.*

21 **SEC. 408. REPORTS OF CONGRESSIONAL COMMITTEES.**

22 *Each report accompanying a bill or joint resolution*
23 *of a public character reported by a committee of the House*
24 *of Representatives or the Senate (except the Committee on*
25 *Appropriations and the Committee on the Budget of either*

1 *House) shall contain a listing of the provisions of the bill*
 2 *or joint resolution that apply to the Congress or to congres-*
 3 *sional instrumentalities and an evaluation of the impact*
 4 *of such provisions on the Congress or congressional instru-*
 5 *mentalities, and, in the case of a provision not applicable*
 6 *to the Congress or to congressional instrumentalities, a*
 7 *statement of the reasons the provision does not apply.*

8 ***SEC. 409. TECHNICAL AND CONFORMING AMENDMENTS.***

9 *(a) CIVIL RIGHTS REMEDIES.—*

10 *(1) Sections 301 and 302 of the Government Em-*
 11 *ployee Rights Act of 1991 (2 U.S.C. 1201 and 1202)*
 12 *are amended to read as follows:*

13 ***“SEC. 301. GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991.***

14 *“(a) SHORT TITLE.—This title may be cited as the*
 15 *‘Government Employee Rights Act of 1991’.*

16 *“(b) PURPOSE.—The purpose of this title is to provide*
 17 *procedures to protect the rights of certain government em-*
 18 *ployees, with respect to their public employment, to be free*
 19 *of discrimination on the basis of race, color, religion, sex,*
 20 *national origin, age, or disability.*

21 *“(c) DEFINITION.—For purposes of this title, the term*
 22 *‘violation’ means a practice that violates section 302(a) of*
 23 *this title.*

1 ***“SEC. 302. DISCRIMINATORY PRACTICES PROHIBITED.***

2 “(a) *PRACTICES.*—All personnel actions affecting the
3 appointees described in section 303(a)(1) or the individuals
4 described in section 304(a) shall be made free from any dis-
5 crimination based on—

6 “(1) *race, color, religion, sex, or national origin,*
7 *within the meaning of section 717 of the Civil Rights*
8 *Act of 1964 (42 U.S.C. 2000e–16);*

9 “(2) *age, within the meaning of section 15 of the*
10 *Age Discrimination in Employment Act of 1967 (29*
11 *U.S.C. 633a); or*

12 “(3) *handicap or disability, within the meaning*
13 *of section 501 of the Rehabilitation Act of 1973 (29*
14 *U.S.C. 791) and sections 102 through 104 of the*
15 *Americans with Disabilities Act of 1990 (42 U.S.C.*
16 *12112–14).*

17 “(b) *REMEDIES.*—The remedies referred to in sections
18 303(a)(1) and 304(a)—

19 “(1) *may include, in the case of a determination*
20 *that a violation of subsection (a)(1) has occurred,*
21 *such remedies as would be appropriate if awarded*
22 *under sections 706(g), 706(k), and 717(d) of the Civil*
23 *Rights Act of 1964 (42 U.S.C. 2000e–5(g), 2000e–*
24 *5(k), 2000e–16(d)), and such compensatory damages*
25 *(not exceeding, for each complaining party, and irre-*
26 *spective of the size of the employing office or agency*

1 *involved, the maximum amount available under sec-*
2 *tion 1977A(b)(3)(D) of the Revised Statutes (42*
3 *U.S.C. 1981a(b)(3)(D)) as would be appropriate if*
4 *awarded under section 1977 and sections 1977(A) (a)*
5 *and (b)(2) of the Revised Statutes (42 U.S.C. 1981*
6 *and 1981a (a) and (b)(2));*

7 *“(2) may include, in the case of a determination*
8 *that a violation of subsection (a)(2) has occurred,*
9 *such remedies as would be appropriate if awarded*
10 *under section 15(c) of the Age Discrimination in Em-*
11 *ployment Act of 1967 (29 U.S.C. 633a(c));*

12 *“(3) may include, in the case of a determination*
13 *that a violation of subsection (a)(3) has occurred,*
14 *such remedies as would be appropriate if awarded*
15 *under section 505(a) of the Rehabilitation Act of 1973*
16 *(29 U.S.C. 794a(a)(1)) or section 107 of the Ameri-*
17 *cans with Disabilities Act of 1990 (42 U.S.C.*
18 *12117(a)); and*

19 *“(4) may not include punitive damages.”.*

20 *(2) Sections 303 through 319, and sections 322,*
21 *324, and 325 of the Civil Rights Act of 1991 (2*
22 *U.S.C. 1203—1218, 1221, 1223, and 1224) are re-*
23 *pealed.*

1 (3) Sections 320 and 321 of the Civil Rights Act
2 of 1991 (2 U.S.C. 1219 and 1220) are redesignated as
3 sections 303 and 304, respectively.

4 (4) Sections 303 and 304 of the Civil Rights Act
5 of 1991, as so redesignated, are each amended by
6 striking “and 307(h) of this title”.

7 (5) Section 1205 of the Supplemental Appropria-
8 tions Act of 1993 (2 U.S.C. 1207a) is repealed.

9 (6) Senate Resolution 139, 103d Congress, agreed
10 to August 4, 1993, is repealed.

11 (b) FAMILY AND MEDICAL LEAVE ACT OF 1993.—Sec-
12 tion 501 of the Family and Medical Leave Act of 1993 (2
13 U.S.C. 60m) is repealed.

14 (c) ARCHITECT OF THE CAPITOL HUMAN RESOURCES
15 ACT.—Section 312(e) of the Architect of the Capitol Human
16 Resources Act, Public Law 103–283; 108 Stat. 1444, is re-
17 pealed.

18 (d) APPLICATION.—On the date on which sections 101
19 and 102 go into effect, the authority of sections 303 through
20 319, and sections 322, 324, and 325 of the Civil Rights Act
21 of 1991, section 501 of the Family and Medical Leave Act
22 of 1993, section 1205 of the Supplemental Appropriations
23 Act of 1993, and Senate Resolution 139, 103d Congress,
24 agreed to August 4, 1993, shall terminate with respect to
25 employees and employing offices.

1 **SEC. 410. SAVINGS PROVISION.**

2 *If, on the date this title takes effect, a covered employee*
 3 *has commenced proceedings under section 305 of the Gov-*
 4 *ernment Employees Rights Act 1991 (2 U.S.C. 1205), rule*
 5 *LI of the Rules of the House of Representatives, or sub-*
 6 *section 312(e)(3) of the Architect of the Capitol Human Re-*
 7 *sources Act (P.L. 103–283, 108 Stat. 1444), may continue*
 8 *with those proceedings until the conclusion of all proceed-*
 9 *ings authorized under such act or rule.*

Amend the title so as to read: “An Act to provide
 for the application of certain employment protection laws
 to Congress, and for other purposes.”

HR 4822 RS1S——2

HR 4822 RS1S——3

HR 4822 RS1S——4

HR 4822 RS1S——5

HR 4822 RS1S——6

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