

103^D CONGRESS
1ST SESSION

H. R. 370

To make the Age Discrimination in Employment Act of 1967 applicable to the House of Representatives and the instrumentalities of the Congress, to give certain employees of the House of Representatives and the instrumentalities of the Congress the right to petition for judicial review for violations of certain laws and rules concerning civil rights and employment practices, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Ms. SNOWE introduced the following bill; which was referred jointly to the Committees on House Administration, Education and Labor, Rules, and the Judiciary

A BILL

To make the Age Discrimination in Employment Act of 1967 applicable to the House of Representatives and the instrumentalities of the Congress, to give certain employees of the House of Representatives and the instrumentalities of the Congress the right to petition for judicial review for violations of certain laws and rules concerning civil rights and employment practices, and for other purposes.

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

1 **SECTION. 1. AGE DISCRIMINATION IN EMPLOYMENT ACT**
2 **OF 1967.**

3 (a) APPLICATION TO HOUSE OF REPRESENTA-
4 TIVES.—

5 (1) IN GENERAL.—The rights and protections
6 of the Age Discrimination in Employment Act of
7 1967 (29 U.S.C. 621 et seq.) shall, subject to para-
8 graph (2), apply with respect to any individual who
9 occupies an employment position or who is an appli-
10 cant for an employment position, as well as to any
11 employing authority of the House of Representa-
12 tives.

13 (2) ADMINISTRATION.—In the administration of
14 this subsection, the remedies and procedures re-
15 ferred to in the Fair Employment Practices Resolu-
16 tion shall apply.

17 (3) EXERCISE OF RULEMAKING POWER.—The
18 provisions of paragraph (2) are enacted by the
19 House of Representatives as an exercise of the rule-
20 making power of the House of Representatives, with
21 full recognition of the right of the House to change
22 its rules, in the same manner, and to the same ex-
23 tent as in any other rule of the House.

24 (b) APPLICATION TO INSTRUMENTALITIES OF THE
25 CONGRESS.—

1 (1) IN GENERAL.—The rights and protections
2 of the Age Discrimination in Employment Act of
3 1967 (29 U.S.C. 621 et seq.) shall, subject to para-
4 graph (2), apply with respect to any individual who
5 is an employee of, or an applicant for employment
6 with, an instrumentality of the Congress.

7 (2) ESTABLISHMENT OF REMEDIES AND PRO-
8 CEDURES.—The chief official of each instrumentality
9 of the Congress shall establish remedies and proce-
10 dures to be utilized with respect to the rights and
11 protections provided pursuant to paragraph (1).

12 (3) REPORT TO THE CONGRESS.—The chief of-
13 ficial of each instrumentality of the Congress shall,
14 after establishing remedies and procedures for pur-
15 poses of paragraph (2), submit to the Congress a re-
16 port describing the remedies and procedures.

17 **SEC. 2. APPLICATION OF FAIR LABOR STANDARDS ACT TO**
18 **INSTRUMENTALITIES OF THE CONGRESS.**

19 (a) IN GENERAL.—The rights and protections of the
20 Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.)
21 shall, subject to subsection (b), apply with respect to any
22 individual who is employed by an instrumentality of the
23 Congress.

24 (b) ESTABLISHMENT OF REMEDIES AND PROCE-
25 DURES.—The chief official of each instrumentality of the

1 Congress shall establish remedies and procedures to be
2 utilized with respect to the rights and protections provided
3 pursuant to subsection (a).

4 (c) REPORT TO THE CONGRESS.—The chief official
5 of each instrumentality of the Congress shall, after estab-
6 lishing remedies and procedures for purposes of subsection
7 (b), submit to the Congress a report describing the rem-
8 edies and procedures.

9 (d) ARCHITECT OF THE CAPITOL.—The Architect of
10 the Capitol shall, no later than 90 days after the date of
11 enactment of this Act, submit a report to the Congress
12 describing steps taken to implement section 8(b) of the
13 Fair Labor Standards Amendments of 1989 (2 U.S.C.
14 60k(b)).

15 **SEC. 3. RECOMMENDATIONS ON THE OCCUPATIONAL SAFE-**
16 **TY AND HEALTH ACT.**

17 It is the sense of the House of Representatives that
18 the Committee on House Administration should review the
19 Occupational Safety and Health Act of 1970 (29 U.S.C.
20 651 et seq.) and make recommendations to the House of
21 Representatives regarding the application of such Act to
22 the House.

23 **SEC. 4. JUDICIAL REVIEW.**

24 (a) APPLICATION TO HOUSE OF REPRESENTA-
25 TIVES.—

1 (1) IN GENERAL.—Any individual who occupies
2 an employment position or who is an applicant for
3 an employment position, and who has been aggrieved
4 by a violation of section 2(a) of the Fair Employ-
5 ment Practices Resolution (relating to non-
6 discrimination), section 1(a)(1) of this Act, section
7 117(a)(2)(A) of the Civil Rights Act of 1991 (2
8 U.S.C. 60l), section 8(a)(1) of the Fair Labor
9 Standards Amendment of 1989 (2 U.S.C. 60k), or
10 section 509(b)(2)(A) of the Americans with Disabil-
11 ities Act of 1990 (42 U.S.C. 12209(b)(2)(A)) may,
12 following a final decision pursuant to the Fair Em-
13 ployment Practices Resolution regarding such viola-
14 tion, petition for review by the United States Court
15 of Appeals for the Federal Circuit.

16 (2) VIOLATIONS BY MEMBERS OF THE HOUSE
17 OF REPRESENTATIVES.—It is the sense of the House
18 of Representatives that the Rules of the House of
19 Representatives should be amended to address the
20 issue of the source of payments made by the House
21 to satisfy a judgment against a Representative in, or
22 Delegate or Resident Commissioner to, the Congress
23 who has been found guilty by the United States
24 Court of Appeals for the Federal Circuit of a viola-

1 tion of one of the sections referred to in paragraph
2 (1).

3 (b) APPLICATION TO THE INSTRUMENTALITIES OF
4 THE CONGRESS.—

5 (1) AGE DISCRIMINATION IN EMPLOYMENT ACT
6 OF 1967.—Any employee of an instrumentality of the
7 Congress, who has been aggrieved by a violation of
8 section 1(b)(1) of this Act may, following a final de-
9 cision pursuant to section 1(b)(2) of this Act, peti-
10 tion for review by the United States Court of Ap-
11 peals for the Federal Circuit.

12 (2) AMERICANS WITH DISABILITIES ACT.—Any
13 employee of an instrumentality of the Congress who
14 has been aggrieved by a violation of section
15 509(c)(1) of the Americans with Disabilities Act of
16 1990 (42 U.S.C. 12209(c)(1)) may, following a final
17 decision pursuant to subsection (c)(2) of such Act,
18 petition for review by the United States Court of
19 Appeals for the Federal Circuit.

20 (3) CIVIL RIGHTS ACT OF 1991.—Any employee
21 of an instrumentality of the Congress who has been
22 aggrieved by a violation of section 117(b)(1) of the
23 Civil Rights Act of 1991 (2 U.S.C. 601) may, follow-
24 ing a final decision pursuant to subsection (b)(3) of

1 such Act, petition for review by the United States
2 Court of Appeals for the Federal Circuit.

3 (4) FAIR LABOR STANDARDS ACT.—Any em-
4 ployee of an instrumentality of the Congress who
5 has been aggrieved by a violation of section 2(a) of
6 this Act may, following a final decision pursuant to
7 section 2(b) of this Act, petition for review by the
8 United States Court of Appeals for the Federal Cir-
9 cuit.

10 (c) SCOPE OF JUDICIAL REVIEW.—A petition for re-
11 view authorized by subsection (a) or (b) shall be filed not
12 later than 90 days following receipt by the aggrieved indi-
13 vidual of a written final decision referred to in such sub-
14 section. The court shall decide all relevant questions of
15 law and shall interpret constitutional and statutory provi-
16 sions. The court shall set aside the decision if the court
17 determines that the decision is—

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

20 (2) not made consistent with required proce-
21 dures; or

22 (3) not supported by substantial evidence.

23 In making its determination, the court shall review the
24 whole record or those parts of the record cited by a party,
25 and due account shall be taken of prejudicial error. If the

1 aggrieved individual is the prevailing party in an appeal
2 under this section, a reasonable attorney's fee may be al-
3 lowed by the court in accordance with the standards estab-
4 lished under section 706(k) of the Civil Rights Act of 1964
5 (42 U.S.C. 2000e-5(k)).”.

6 **SEC. 5. CONFORMING AMENDMENTS.**

7 (a) AMERICANS WITH DISABILITIES ACT.—Section
8 509 of the Americans with Disabilities Act of 1990 (42
9 U.S.C. 12209(b)(2)) is amended—

10 (1) by amending subsection (b)(2)(B) to read
11 as follows:

12 “(B) ADMINISTRATION.—This paragraph
13 shall be administered according to the Fair Em-
14 ployment Practices Resolution (House Resolu-
15 tion 558 of the One Hundredth Congress, as
16 agreed to October 4, 1988), as incorporated
17 into the Rules of the House of Representatives
18 as rule LI, or any other provision or resolution
19 that continues in effect the provisions of such
20 resolution.”; and

21 (2) in subsection (c)(2) by striking “Such rem-
22 edies and procedures shall apply exclusively.”.

23 (b) CIVIL RIGHTS ACT OF 1991.—Section 117 of the
24 Civil Rights Act of 1991 (2 U.S.C. 60*l*) is amended—

1 (1) by amending subsection (a)(2)(B) to read
2 as follows:

3 “(B) ADMINISTRATION.—This paragraph
4 shall be administered according to the Fair Em-
5 ployment Practices Resolution (House Resolu-
6 tion 558 of the One Hundredth Congress, as
7 agreed to October 4, 1988), as incorporated
8 into the Rules of the House of Representatives
9 as rule LI, or any other provision or resolution
10 that continues in effect the provisions of such
11 resolution.”; and

12 (2) in section (b)(2) by striking “Such remedies
13 and procedures shall apply exclusively, except for the
14 employees who are defined as Senate employees, in
15 section 301(c)(1).”.

16 **SEC. 6. DEFINITIONS.**

17 For the purposes of this Act—

18 (1) the terms “employment position” and “em-
19 ploying authority” have the meaning given such
20 terms in the Fair Employment Practices Resolution;

21 (2) the term “Fair Employment Practices Reso-
22 lution” means House Resolution 558 of the One
23 Hundredth Congress, as agreed to October 4, 1988,
24 and as incorporated into the Rules of the House of
25 Representatives as rule LI, or any other provision or

1 resolution that continues in effect the provisions of
2 such resolution; and

3 (3) the term “instrumentalities of the Con-
4 gress” shall include the following: the Architect of
5 the Capitol, the Congressional Budget Office, the
6 General Accounting Office, the Government Printing
7 Office, the Library of Congress, the Office of Tech-
8 nology Assessment, and the United States Botanic
9 Garden, except that—

10 (A) for purposes of sections 1(b) and
11 4(b)(1), such term shall not include the Library
12 of Congress; and

13 (B) for purposes of section 4(b)(4), and of
14 subsections (a), (b), and (c) of section 2, such
15 term shall not include the Architect of the Cap-
16 itol.

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