

103^D CONGRESS
1ST SESSION

S. 103

To fully apply the rights and protections of Federal civil rights and labor laws to employment by Congress.

IN THE SENATE OF THE UNITED STATES

JANUARY 21 (legislative day), JANUARY 5), 1993

Mr. NICKLES (for himself, Mrs. KASSEBAUM, Mr. PACKWOOD, Mr. BROWN, Mr. COATS, Mr. KEMPTHORNE, and Mr. COVERDELL) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To fully apply the rights and protections of Federal civil rights and labor laws to employment by Congress.

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 and
5 Presidential Accountability Act”.

6 **SEC. 2. APPLICATION TO SENATE.**

7 (a) PURPOSE.—Section 301(b) of the Civil Rights
8 Act of 1991 (2 U.S.C. 1201(b)) is amended by inserting
9 before the period the following: “, and to employment in

1 accordance with provisions governing labor-management
2 relations, fair labor standards, and occupational safety
3 and health standards”.

4 (b) PROHIBITED PRACTICES.—Section 302 of the
5 Civil Rights Act of 1991 (2 U.S.C. 1202) is amended—

6 (1) in the title, by striking “**DISCRIMINATORY**
7 **PRACTICES PROHIBITED**” and inserting “**VIOLA-**
8 **TIONS**”;

9 (2) by inserting “(a) DISCRIMINATORY PRAC-
10 TICES.—” before “All personnel”; and

11 (3) by adding at the end the following new sub-
12 section:

13 “(b) LABOR PRACTICES.—The employment of a Sen-
14 ate employee shall be made free from acts that—

15 “(1)(A) are unlawful under section 15 of the
16 Fair Labor Standards Act of 1938 (29 U.S.C. 215),
17 unless exempted pursuant to section 13 of such Act
18 (29 U.S.C. 213);

19 “(B) constitute unfair labor practices under
20 section 8 of the National Labor Relations Act (29
21 U.S.C. 158); or

22 “(C) constitute violations of duties and stand-
23 ards prescribed under section 5 or 6 of the Occupa-
24 tional Safety and Health Act of 1970 (29 U.S.C.
25 654 or 655); and

1 “(2) are determined, in accordance with section
2 303(g), to be applicable to Senate employment.”.

3 (c) REGULATIONS AND INVESTIGATIONS.—Section
4 303 of the Civil Rights Act of 1991 (2 U.S.C. 1203) is
5 amended by adding at the end the following new sub-
6 sections:

7 “(g) REGULATIONS.—

8 “(1) IN GENERAL.—

9 “(A) FAIR LABOR STANDARDS ACT OF
10 1938.—The Director shall adopt rules applying
11 the rights and protections of the Fair Labor
12 Standards Act of 1938 to the Senate.

13 “(B) NATIONAL LABOR RELATIONS ACT.—
14 The Director shall adopt rules applying the
15 rights and protections of the National Labor
16 Relations Act to the Senate.

17 “(C) OCCUPATIONAL SAFETY AND HEALTH
18 ACT OF 1970.—The Assistant Secretary for Oc-
19 cupational Safety and Health shall adopt rules
20 applying the rights and protections of the Occu-
21 pational Safety and Health Act of 1970 to the
22 Senate.

23 “(2) INITIAL RULES.—

24 “(A) FAIR LABOR STANDARDS ACT OF
25 1938; NATIONAL LABOR RELATIONS ACT.—Not

1 later than 90 days after the date of enactment
2 of this Act, the Director shall adopt—

3 “(i) rules described in paragraph
4 (1)(A) that shall be, as nearly as is pos-
5 sible, identical to the regulations promul-
6 gated under sections 13 and 15 of the Fair
7 Labor Standards Act of 1938; and

8 “(ii) rules described in paragraph
9 (1)(B) that shall be, as nearly as is pos-
10 sible, identical to the regulations promul-
11 gated under section 8 of the National
12 Labor Relations Act,

13 as in effect on the date of enactment of this
14 Act.

15 “(B) OCCUPATIONAL SAFETY AND HEALTH
16 ACT OF 1970.—Not later than 90 days after the
17 date of enactment of this Act, the Assistant
18 Secretary for Occupational Safety and Health
19 shall adopt rules described in paragraph (1)(C)
20 that shall be, as nearly as is possible, identical
21 to the regulations promulgated under section 5
22 or 6 of the Occupational Safety and Health Act
23 of 1970, as in effect on the date of enactment
24 of this Act.

1 “(3) AMENDMENTS TO RULES.—Not later than
2 90 days after the date on which the Secretary of
3 Labor issues any modification to the regulations de-
4 scribed in paragraph (2), the Director or the Assist-
5 ant Secretary for Occupational Safety and Health,
6 as appropriate, shall review the rules adopted under
7 this subsection and shall make appropriate amend-
8 ments to ensure that the rules shall be, as nearly as
9 is possible, identical to the modified regulations.

10 “(4) PROCEDURE.—The rules adopted under
11 this subsection, and an explanation of any dif-
12 ferences between the rules and the corresponding
13 regulations, shall be submitted to the President pro
14 tempore for publication in the Congressional Record.
15 Any amendments to the rules shall be made in the
16 same manner. The Director and the Assistant Sec-
17 retary for Occupational Safety and Health may con-
18 sult with the Chairman of the Administrative Con-
19 ference of the United States on the adoption of
20 rules.

21 “(h) INVESTIGATIONS.—The Director shall have the
22 investigative powers—

23 “(1) described in sections 709 and 710 of the
24 Civil Rights Act of 1964 (42 U.S.C. 2000e–8 and

1 2000e-9) with respect to a violation described in
2 paragraph (1) or (3) of section 302(a);

3 “(2) described in section 7 of the Age Discrimi-
4 nation in Employment Act of 1967 (29 U.S.C. 626)
5 with respect to a violation described in section
6 302(a)(2);

7 “(3) described in section 11 of the Fair Labor
8 Standards Act of 1938 (29 U.S.C. 211) with respect
9 to a violation described in section 302(b)(1)(A);

10 “(4) described in section 11 of the National
11 Labor Relations Act (29 U.S.C. 161) with respect to
12 a violation described in section 302(b)(1)(B); and

13 “(5) described in sections 8, 9, and 10 of the
14 Occupational Safety and Health Act of 1970 (29
15 U.S.C. 657, 658, and 659) with respect to a viola-
16 tion described in section 302(b)(1)(C),
17 as applicable.”.

18 (d) REMEDIES.—Section 307(h) of the Civil Rights
19 Act of 1991 (2 U.S.C. 1207(h)) is amended—

20 (1) by striking “REMEDIES.—If” and inserting
21 the following: “REMEDIES.—

22 “(1) DISCRIMINATION.—If”;

23 (2) in the first sentence of paragraph (1) (as so
24 designated in paragraph (1) of this subsection), by

1 inserting “described in section 302(a)” after “deter-
2 mines that a violation”;

3 (3) in the second sentence of such paragraph
4 (1), by inserting before the period the following: “,
5 or such civil penalties or damages as would be ap-
6 propriate if awarded by the Secretary of Labor
7 under section 7(b) of such Act (29 U.S.C. 626(b))”;
8 and

9 (4) by striking the last two sentences of para-
10 graph (1) and inserting the following new para-
11 graphs:

12 “(2) LABOR PRACTICE.—

13 “(A) FAIR LABOR STANDARDS ACT OF
14 1938.—In the case of a determination that a
15 violation described in section 302(b)(1)(A) has
16 occurred, the hearing board shall order such
17 civil penalties as would be appropriate if award-
18 ed by the Secretary of Labor under section 16
19 of the Fair Labor Standards Act of 1938 (29
20 U.S.C. 216).

21 “(B) NATIONAL LABOR RELATIONS ACT.—

22 In the case of a determination that a violation
23 described in section 302(b)(1)(B) has occurred,
24 the hearing board shall order such remedies as
25 would be appropriate if awarded by the Na-

1 tional Labor Relations Board under section 10
2 of the National Labor Relations Act (29 U.S.C.
3 160).

4 “(C) OCCUPATIONAL SAFETY AND HEALTH
5 ACT OF 1970.—In the case of a determination
6 that a violation described in section
7 302(b)(1)(C) has occurred, the hearing board
8 shall order such civil penalties as would be ap-
9 propriate if awarded by the Occupational Safety
10 and Health Review Commission under section
11 17 of the Occupational Safety and Health Act
12 of 1970 (29 U.S.C. 666).

13 “(3) PAYMENTS.—Any order requiring the pay-
14 ment of money must be approved by a Senate reso-
15 lution reported by the Committee on Rules and Ad-
16 ministration.”.

17 (e) JUDICIAL REVIEW.—Section 309 of the Civil
18 Rights Act of 1991 (2 U.S.C. 1209) is amended—

19 (1) in subsection (a), by striking “may peti-
20 tion” and all that follows and insert “may file a civil
21 action against the head of the employing office of
22 the employee.”;

23 (2) by striking subsection (b) and inserting the
24 following:

25 “(b) PROCEDURE.—

1 “(1) DISCRIMINATION ACTIONS.—

2 “(A) FILING.—The Senate employee may
3 file a civil action under this section with respect
4 to a violation of section 302(a) not later than
5 90 days after the entry in the Office of a final
6 decision under section 308(d).

7 “(B) CIVIL RIGHTS ACT OF 1964.—Except
8 as provided in subparagraph (D), the provisions
9 of subsections (f) through (k) of section 706 of
10 the Civil Rights Act of 1964, as applicable,
11 shall govern civil actions brought under this
12 section with respect to violations of section
13 302(a), and the same interest to compensate for
14 delay in payment shall be available as in cases
15 involving nonpublic parties.

16 “(C) SECTION 1977 OF THE REVISED STAT-
17 UTES.—In such an action alleging discrimina-
18 tion or a violation described in paragraph (1) or
19 (2) of subsection (a) of section 1977A of the
20 Revised Statutes (42 U.S.C. 1981a), the provi-
21 sions of such section shall also apply.

22 “(D) AGE DISCRIMINATION IN EMPLOY-
23 MENT ACT OF 1967.—The provisions of section
24 7 of the Age Discrimination in Employment Act
25 of 1967 (29 U.S.C. 626), as applicable, shall

1 govern civil actions brought under this section
2 with respect to violations of section 302(a)(2).

3 “(2) LABOR ACTIONS.—

4 “(A) FAIR LABOR STANDARDS ACT OF
5 1938.—The provisions of sections 16 and 17 of
6 the Fair Labor Standards Act of 1938 (29
7 U.S.C. 216 and 217), as applicable, shall gov-
8 ern civil actions brought under this section with
9 respect to violations of section 302(b)(1)(A).

10 “(B) NATIONAL LABOR RELATIONS ACT.—
11 The provisions of sections 10 and 11 of the Na-
12 tional Labor Relations Act (29 U.S.C. 160 and
13 161), as applicable, shall govern civil actions
14 brought under this section with respect to viola-
15 tions of section 302(b)(1)(B).

16 “(C) OCCUPATIONAL SAFETY AND HEALTH
17 ACT OF 1970.—The provisions of sections 11
18 and 13 of the Occupational Safety and Health
19 Act of 1970 (29 U.S.C. 660 and 662), as appli-
20 cable, shall govern civil actions brought under
21 this section with respect to violations of section
22 302(b)(1)(C).”;

23 (3) by striking subsection (c);

24 (4) by redesignating subsection (d) as sub-
25 section (c); and

1 (5) in subsection (c) (as so redesignated in
2 paragraph (4) of this subsection)—

3 (A) by inserting “regarding a violation de-
4 scribed in section 302(a)” after “proceeding
5 under this section”; and

6 (B) by adding at the end the following new
7 sentence: “The court may allow such fees in a
8 proceeding regarding a violation described in
9 section 302(a)(2) to the same extent that such
10 fees would be allowed in an action involving pri-
11 vate parties under the Age Discrimination in
12 Employment Act of 1967.”.

13 (f) OTHER REVIEWS.—Sections 314 and 317 of the
14 Civil Rights Act of 1991 (2 U.S.C. 1214 and 1216) are
15 amended by striking “discriminatory”.

16 (g) PRESIDENTIAL APPOINTEES.—Section 320(a) (2
17 U.S.C. 1219(a)) is amended—

18 (1) in paragraph (2), by inserting “the Depart-
19 ment of Labor, the National Labor Relations Board,
20 or the Occupational Safety and Health Review Com-
21 mission, as appropriate,” after “the Equal Employ-
22 ment Opportunity Commission,” each place the term
23 appears; and

24 (2) in paragraph (3)—

1 (A) in subparagraph (A), by striking “may
2 petition” and all that follows and insert “may
3 file a civil action against the head of the unit
4 of the Executive branch in which the employee
5 is employed.”;

6 (B) by striking subparagraph (B) and in-
7 serting the following:

8 “(B) PROCEDURE.—

9 “(i) DISCRIMINATION ACTIONS.—

10 “(I) FILING.—The employee may
11 file a civil action under this section
12 with respect to a violation of section
13 302(a) not later than 90 days after
14 the entry of a final order under para-
15 graph (2).

16 “(II) CIVIL RIGHTS ACT OF
17 1964.—Except as provided in
18 subclause (IV), the provisions of sub-
19 sections (f) through (k) of section 706
20 of the Civil Rights Act of 1964, as ap-
21 plicable, shall govern civil actions
22 brought under this section with re-
23 spect to violations of section 302(a),
24 and the same interest to compensate
25 for delay in payment shall be available

1 as in cases involving nonpublic par-
2 ties.

3 “(III) SECTION 1977 OF THE RE-
4 VISED STATUTES.—In such an action
5 alleging discrimination or a violation
6 described in paragraph (1) or (2) of
7 subsection (a) of section 1977A of the
8 Revised Statutes (42 U.S.C. 1981a),
9 the provisions of such section shall
10 also apply.

11 “(IV) AGE DISCRIMINATION IN
12 EMPLOYMENT ACT OF 1967.—The pro-
13 visions of section 7 of the Age Dis-
14 crimination in Employment Act of
15 1967 (29 U.S.C. 626), as applicable,
16 shall govern civil actions brought
17 under this section with respect to vio-
18 lations of section 302(a)(2).

19 “(ii) LABOR ACTIONS.—

20 “(I) FAIR LABOR STANDARDS
21 ACT OF 1938.—The provisions of sec-
22 tions 16 and 17 of the Fair Labor
23 Standards Act of 1938 (29 U.S.C.
24 216 and 217), as applicable, shall gov-
25 ern civil actions brought under this

1 section with respect to violations of
2 section 302(b)(1)(A).

3 “(II) NATIONAL LABOR RELA-
4 TIONS ACT.—The provisions of sec-
5 tions 10 and 11 of the National Labor
6 Relations Act (29 U.S.C. 160 and
7 161), as applicable, shall govern civil
8 actions brought under this section
9 with respect to violations of section
10 302(b)(1)(B).

11 “(III) OCCUPATIONAL SAFETY
12 AND HEALTH ACT OF 1970.—The pro-
13 visions of sections 11 and 13 of the
14 Occupational Safety and Health Act
15 of 1970 (29 U.S.C. 660 and 662), as
16 applicable, shall govern civil actions
17 brought under this section with re-
18 spect to violations of section
19 302(b)(1)(C).”;

20 (C) by striking subparagraph (C);

21 (D) by redesignating subparagraph (D) as
22 subparagraph (C); and

23 (E) in subparagraph (C) (as so redesign-
24 dated in subparagraph (D) of this para-
25 graph)—

1 (i) by inserting “regarding a violation
2 described in section 302(a)” after “pro-
3 ceeding under this section”; and

4 (ii) by adding at the end the following
5 new sentence: “The court may allow such
6 fees in a proceeding regarding a violation
7 described in section 302(a)(2) to the same
8 extent that such fees would be allowed in
9 an action involving private parties under
10 the Age Discrimination in Employment Act
11 of 1967.”.

12 (h) STATE EMPLOYEES.—Section 321(a) of the Civil
13 Rights Act of 1991 (2 U.S.C. 1220(a)) is amended by
14 striking “302 and 307(h)” and inserting “302(a) and
15 307(h)(1)”.

16 **SEC. 3. APPLICATION TO HOUSE OF REPRESENTATIVES.**

17 (a) COVERAGE.—

18 (1) DESIGNATION.—Title III of the Civil Rights
19 Act of 1991 (2 U.S.C. 1201 et seq.) is amended—

20 (A) by inserting before section 301 (2
21 U.S.C. 1201) the following:

22 **“Subtitle A—Coverage of the**
23 **Senate”;**

24 and

25 (B) by adding at the end the following:

1 **“Subtitle B—Coverage of the House**
2 **of Representatives”.**

3 (2) FAIR EMPLOYMENT PRACTICES.—Clauses 1
4 through 16 of Rule LI of the Rules of the House of
5 Representatives of the One Hundred Third Congress
6 are transferred to subtitle B of title III of the Civil
7 Rights Act of 1991 (as added by paragraph (1)(B))
8 and redesignated as sections 331 through 339 and
9 sections 341 through 347, respectively, of such Act.

10 (b) REGULATIONS.—Section 331 of the Civil Rights
11 Act of 1991 is amended to read as follows:

12 **“SEC. 331. REGULATIONS.**

13 **“(a) IN GENERAL.—**

14 **“(1) FAIR LABOR STANDARDS ACT OF 1938.—**
15 The head of the Office shall adopt rules applying the
16 rights and protections of the Fair Labor Standards
17 Act of 1938 to the House of Representatives.

18 **“(2) NATIONAL LABOR RELATIONS ACT.—The**
19 head of the Office shall adopt rules applying the
20 rights and protections of the National Labor Rela-
21 tions Act to the House of Representatives.

22 **“(3) OCCUPATIONAL SAFETY AND HEALTH ACT**
23 **OF 1970.—The Assistant Secretary for Occupational**
24 **Safety and Health shall adopt rules applying the**
25 **rights and protections of the Occupational Safety**

1 and Health Act of 1970 to the House of Representa-
2 tives.

3 “(b) INITIAL RULES.—

4 “(1) FAIR LABOR STANDARDS ACT OF 1938; NA-
5 TIONAL LABOR RELATIONS ACT.—Not later than 90
6 days after the date of enactment of this Act, the
7 head of the Office shall adopt—

8 “(A) rules described in subsection (a)(1)
9 that shall be, as nearly as is possible, identical
10 to the regulations promulgated under sections
11 13 and 15 of the Fair Labor Standards Act of
12 1938; and

13 “(B) rules described in subsection (a)(2)
14 that shall be, as nearly as is possible, identical
15 to the regulations promulgated under section 8
16 of the National Labor Relations Act,
17 as in effect on the date of enactment of this Act.

18 “(2) OCCUPATIONAL SAFETY AND HEALTH ACT
19 OF 1970.—Not later than 90 days after the date of
20 enactment of this Act, the Assistant Secretary for
21 Occupational Safety and Health shall adopt rules de-
22 scribed in subsection (a)(3) that shall be, as nearly
23 as is possible, identical to the regulations promul-
24 gated under section 5 or 6 of the Occupational Safe-

1 ty and Health Act of 1970, as in effect on the date
2 of enactment of this Act.

3 “(c) AMENDMENTS TO RULES.—Not later than 90
4 days after the date on which the Secretary of Labor issues
5 any modification to the regulations described in subsection
6 (b), the head of the Office or the Assistant Secretary for
7 Occupational Safety and Health, as appropriate, shall re-
8 view the rules adopted under this section and shall make
9 appropriate amendments to ensure that the rules shall be,
10 as nearly as is possible, identical to the modified regula-
11 tions.

12 “(d) PROCEDURE.—The rules adopted under this sec-
13 tion, and an explanation of any differences between the
14 rules and the corresponding regulations, shall be submit-
15 ted to the Speaker for publication in the Congressional
16 Record. Any amendments to the rules shall be made in
17 the same manner. The head of the Office and the Assist-
18 ant Secretary for Occupational Safety and Health may
19 consult with the Chairman of the Administrative Con-
20 ference of the United States on the adoption of rules.”.

21 (c) PROHIBITED PRACTICES.—Section 332 of the
22 Civil Rights Act of 1991 is amended—

23 (1) in the title, by striking “**NONDISCRIMINA-**
24 **TION IN EMPLOYMENT**” and inserting “**VIOLA-**
25 **TIONS**”; and

1 (2) in subsection (a)—

2 (A) by inserting “(1)” before “Personnel
3 actions”; and

4 (B) by adding at the end the following new
5 paragraphs:

6 “(2) The employment of an employee of the House
7 of Representatives shall be made free from acts that—

8 “(A)(i) are unlawful under section 15 of the
9 Fair Labor Standards Act of 1938 (29 U.S.C. 215),
10 unless exempted pursuant to section 13 of such Act
11 (29 U.S.C. 213);

12 “(ii) constitute unfair labor practices under sec-
13 tion 8 of the National Labor Relations Act (29
14 U.S.C. 158); or

15 “(iii) constitute violations of duties and stand-
16 ards prescribed under section 5 or 6 of the Occupa-
17 tional Safety and Health Act of 1970 (29 U.S.C.
18 654 or 655); and

19 “(B) are determined, in accordance with section
20 331, to be applicable to employment by the House
21 of Representatives.”.

22 (d) INVESTIGATIONS.—Section 334 of the Civil
23 Rights Act of 1991 is amended—

24 (1) by inserting “(a)” after “334.”; and

1 (2) by adding at the end the following new sub-
2 section:

3 “(b) The Director shall have the investigative pow-
4 ers—

5 “(1) described in sections 709 and 710 of the
6 Civil Rights Act of 1964 (42 U.S.C. 2000e–8 and
7 2000e–9) with respect to a violation described in
8 section 332(a)(1) (except a violation on the basis of
9 age);

10 “(2) described in section 7 of the Age Discrimi-
11 nation in Employment Act of 1967 (29 U.S.C. 626)
12 with respect to a violation described in section
13 332(a)(1) on the basis of age;

14 “(3) described in section 11 of the Fair Labor
15 Standards Act of 1938 (29 U.S.C. 211) with respect
16 to a violation described in section 332(a)(2)(A)(i);

17 “(4) described in section 11 of the National
18 Labor Relations Act (29 U.S.C. 161) with respect to
19 a violation described in section 332(a)(2)(A)(ii); and

20 “(5) described in sections 8, 9, and 10 of the
21 Occupational Safety and Health Act of 1970 (29
22 U.S.C. 657, 658, and 659) with respect to a viola-
23 tion described in section 332(a)(2)(A)(iii),

24 as applicable.”.

1 (e) REMEDIES.—Section 339 of the Civil Rights Act
2 of 1991 is amended to read as follows:—

3 **“SEC. 339. REMEDIES.**

4 “(a) CIVIL RIGHTS VIOLATIONS.—In the case of a
5 determination that a violation described in section
6 332(a)(1) (other than a violation based on age) has oc-
7 curred, the Office or a review panel, as the case may be,
8 shall order such remedies as would be appropriate if
9 awarded under section 706 (g) and (k) of the Civil Rights
10 Act of 1964 (42 U.S.C. 2000e–5 (g) and (k)), and may
11 also order the award of such compensatory damages as
12 would be appropriate if awarded under section 1977 and
13 section 1977A (a) and (b)(2) of the Revised Statutes (42
14 U.S.C. 1981 and 1981A (a) and (b)(2)). In the case of
15 a determination that a violation described in section
16 332(a)(1) based on age has occurred, the Office or review
17 panel shall order such remedies as would be appropriate
18 if awarded under section 15(c) of the Age Discrimination
19 in Employment Act of 1967 (29 U.S.C. 633a(c)), or such
20 civil penalties or damages as would be appropriate if
21 awarded by the Secretary of Labor under section 7(b) of
22 such Act (29 U.S.C. 626(b)).

23 “(b) LABOR PRACTICES.—

24 “(1) FAIR LABOR STANDARDS ACT OF 1938.—In
25 the case of a determination that a violation de-

1 scribed in section 332(a)(2)(A)(i) has occurred, the
2 Office or review panel shall order such civil penalties
3 as would be appropriate if awarded by the Secretary
4 of Labor under section 16 of the Fair Labor Stand-
5 ards Act of 1938 (29 U.S.C. 216).

6 “(2) NATIONAL LABOR RELATIONS ACT.—In the case
7 of a determination that a violation described in section
8 332(a)(2)(A)(ii) has occurred, the Office or review panel
9 shall order such remedies as would be appropriate if
10 awarded by the National Labor Relations Board under
11 section 10 of the National Labor Relations Act (29 U.S.C.
12 160).

13 “(3) OCCUPATIONAL SAFETY AND HEALTH ACT OF
14 1970.—In the case of a determination that a violation de-
15 scribed in section 332(a)(2)(A)(iii) has occurred, the Of-
16 fice or review panel shall order such civil penalties as
17 would be appropriate if awarded by the Occupational Safe-
18 ty and Health Review Commission under section 17 of the
19 Occupational Safety and Health Act of 1970 (29 U.S.C.
20 666).

21 “(c) MONETARY COMPENSATION.—In any case in
22 which the Office or review panel orders payment of mone-
23 tary compensation, it may order the payment of such com-
24 pensation from the clerk-hire allowance of a Member of
25 the House of Representatives, or from personnel funds of

1 a committee of the House of Representatives or other en-
2 tity, as appropriate, or from the contingent fund of the
3 House of Representatives.”.

4 (f) JUDICIAL REVIEW.—Subtitle B of the Civil
5 Rights Act of 1991 is amended by inserting after section
6 339 the following new section:

7 **“SEC. 340. JUDICIAL REVIEW.**

8 “(a) IN GENERAL.—Any employee of the House of
9 Representatives aggrieved by a decision entered pursuant
10 to section 337(b) may file a civil action against the head
11 of the employing authority of the employee.

12 “(b) PROCEDURE.—

13 “(1) DISCRIMINATION ACTIONS.—

14 “(A) FILING.—The employee may file a
15 civil action under this section with respect to a
16 violation of section 332(a)(1) not later than 90
17 days after the entry in the Committee on House
18 Administration of a final decision under section
19 337(b).

20 “(B) CIVIL RIGHTS ACT OF 1964.—Except
21 as provided in subparagraph (D), the provisions
22 of subsections (f) through (k) of section 706 of
23 the Civil Rights Act of 1964, as applicable,
24 shall govern civil actions brought under this
25 section with respect to violations of section

1 332(a)(1), and the same interest to compensate
2 for delay in payment shall be available as in
3 cases involving nonpublic parties.

4 “(C) SECTION 1977 OF THE REVISED STAT-
5 UTES.—In such an action alleging discrimina-
6 tion or a violation described in paragraph (1) or
7 (2) of subsection (a) of section 1977A of the
8 Revised Statutes (42 U.S.C. 1981a), the provi-
9 sions of such section shall also apply.

10 “(D) AGE DISCRIMINATION IN EMPLOY-
11 MENT ACT OF 1967.—The provisions of section
12 7 of the Age Discrimination Act of 1967 (29
13 U.S.C. 626), as applicable, shall govern civil ac-
14 tions brought under this section with respect to
15 violations of section 332(a)(1) brought on the
16 basis of age.

17 “(2) LABOR ACTIONS.—

18 “(A) FAIR LABOR STANDARDS ACT OF
19 1938.—The provisions of sections 16 and 17 of
20 the Fair Labor Standards Act of 1938 (29
21 U.S.C. 216 and 217), as applicable, shall gov-
22 ern civil actions brought under this section with
23 respect to violations of section 332(a)(2)(A)(i)

24 “(B) NATIONAL LABOR RELATIONS ACT.—
25 The provisions of sections 10 and 11 of the Na-

1 tional Labor Relations Act (29 U.S.C. 160 and
2 161), as applicable, shall govern civil actions
3 brought under this section with respect to viola-
4 tions of section 332(a)(2)(A)(ii).

5 “(C) OCCUPATIONAL SAFETY AND HEALTH
6 ACT OF 1970.—The provisions of sections 11
7 and 13 of the Occupational Safety and Health
8 Act of 1970 (29 U.S.C. 660 and 662), as appli-
9 cable, shall govern civil actions brought under
10 this section with respect to violations of section
11 332(a)(2)(A)(iii).

12 “(c) ATTORNEY’S FEES.—If an employee is the pre-
13 vailing party in a proceeding under this section regarding
14 a violation (other than a violation on the basis of age)
15 described in section 332(a)(1), attorney’s fees may be al-
16 lowed by the court in accordance with the standards pre-
17 scribed under section 706(k) of the Civil Rights Act of
18 1964 (42 U.S.C. 2000e–5(k)). The court may allow such
19 fees in a proceeding regarding a violation described in sec-
20 tion 332(a)(1) on the basis of age to the same extent that
21 such fees would be allowed in an action involving private
22 parties under the Age Discrimination in Employment Act
23 of 1967.”.

24 (g) TECHNICAL AND CONFORMING AMENDMENTS.—

1 (1) Subtitle A of title III of the Civil Rights Act
2 of 1991 (2 U.S.C. 1201 et seq.) (as so designated
3 in subsection (a)(1)(A) of this section) is amended
4 by striking “this title” each place the term appears
5 and inserting “this subtitle”.

6 (2) Subtitle B of title III of the Civil Rights
7 Act of 1991 (as so designated in subsection
8 (a)(1)(B) of this section) is amended—

9 (A) in section 332, by striking “paragraph
10 (a)” each place the term appears and inserting
11 “subsection (a)”;

12 (B) in section 333—

13 (i) by striking “clause 2” and insert-
14 ing “section 332”;

15 (ii) in subsection (a), by striking
16 “clause 5” and inserting “section 335”;

17 (iii) in subsection (b), by striking
18 “clause 6” and inserting “section 336”;

19 and

20 (iv) in subsection (c), by striking
21 “clause 7” and inserting “section 337”;

22 (C) in the first sentence of section
23 335(a)—

24 (i) by striking “clause 2” and insert-
25 ing “section 332”; and

- 1 (ii) by striking “that clause” and in-
2 serting “such section”;
- 3 (D) in section 336—
- 4 (i) in subsection (b)—
- 5 (I) in paragraph (1), by striking
6 “paragraph (a)” and inserting “sub-
7 section (a)”;
- 8 (II) in paragraph (2), by striking
9 “clause 4” and inserting “section
10 334”;
- 11 (ii) in subsection (c), by striking
12 “clause 2” and inserting “section 332”;
- 13 (E) in section 337—
- 14 (i) in subsection (a), by striking
15 “clause 6” and inserting “section 336”;
16 and
- 17 (ii) in subsection (b)—
- 18 (I) by striking “this clause” and
19 inserting “this section”;
- 20 (II) by striking “clause 6(b)(3)”
21 and inserting “section 336(b)(3)”;
22 and
- 23 (III) by striking “paragraph (a)”
24 and inserting “subsection (a)”;
- 25 (F) in section 338—

1 (i) by striking “clause 6” each place
2 the term appears and inserting “section
3 336”; and

4 (ii) in paragraph (2), by striking
5 “clause 7” and inserting “section 337”;

6 (G) in section 342, by striking “clause 2”
7 and inserting “section 332”; and

8 (H) in section 343—

9 (i) by striking “clause 6” and insert-
10 ing “section 336”; and

11 (ii) by striking “clause 7” and insert-
12 ing “section 337”.

13 (3) Subtitle B of title III of the Civil Rights
14 Act of 1991 (as so redesignated by subsection
15 (a)(1)(B)) is amended in section 334, sections 341
16 through 344, section 346, and section 347, by strik-
17 ing “this rule” each place the term appears and in-
18 serting “this subtitle”.

19 (4) Section 1977A of the Revised Statutes (42
20 U.S.C. 1981a) is amended—

21 (A) by striking “(other than a government,
22 government agency or political subdivision)”;
23 and

24 (B) by adding at the end the following new
25 sentence: “A complaining party may not recover

1 punitive damages against a government, govern-
 2 ment agency, or political subdivision except in
 3 accordance with title III of the Civil Rights Act
 4 of 1991.”.

5 **SEC. 4. INSTRUMENTALITIES OF CONGRESS.**

6 (a) APPLICATION.—Section 117(b)(1) of the Civil
 7 Rights Act of 1991 (2 U.S.C. 601(b)(1)) is amended by
 8 striking “this title” and all that follows through “shall”
 9 and inserting “the provisions specified in section 302 of
 10 the Civil Rights Act of 1991 shall”.

11 (b) REMEDIES AND PROCEDURES.—Section
 12 117(b)(2) of the Civil Rights Act of 1991 (2 U.S.C.
 13 601(b)(2)) and section 509(c)(2) of the Americans with
 14 Disabilities Act of 1990 (42 U.S.C. 12209(c)(2)) are
 15 amended by inserting after the first sentence the follow-
 16 ing: “Such remedies and procedures shall be as similar
 17 as is practicable to the remedies and procedures prescribed
 18 for Senate employees and employing offices in subtitle A
 19 of title III.”.

○

S 103 IS—2

S 103 IS—3