

***In the Senate of the United States,***

*January 12 (legislative day, January 10), 1995.*

*Resolved*, That the bill from the House of Representatives (H.R. 1) entitled “An Act to make certain laws applicable to the legislative branch of the Federal Government”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

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 1995”.*

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

*Sec. 1. Short title and table of contents.*

*TITLE I—GENERAL*

*Sec. 101. Definitions.*

*Sec. 102. Application of laws.*

*TITLE II—EXTENSION OF RIGHTS AND PROTECTIONS*

*PART A—EMPLOYMENT DISCRIMINATION, FAMILY AND MEDICAL LEAVE, FAIR  
LABOR STANDARDS, EMPLOYEE POLYGRAPH PROTECTION,  
WORKER ADJUSTMENT AND RETRAINING, EMPLOYMENT AND  
REEMPLOYMENT OF VETERANS, AND INTIMIDATION*

- Sec. 201. Rights and protections under title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, and title I of the Americans with Disabilities Act of 1990.*
- Sec. 202. Rights and protections under the Family and Medical Leave Act of 1993.*
- Sec. 203. Rights and protections under the Fair Labor Standards Act of 1938.*
- Sec. 204. Rights and protections under the Employee Polygraph Protection Act of 1988.*
- Sec. 205. Rights and protections under the Worker Adjustment and Retraining Notification Act.*
- Sec. 206. Rights and protections relating to veterans' employment and reemployment.*
- Sec. 207. Prohibition of intimidation or reprisal.*

*PART B—PUBLIC SERVICES AND ACCOMMODATIONS UNDER THE AMERICANS WITH DISABILITIES ACT OF 1990*

- Sec. 210. Rights and protections under the Americans with Disabilities Act of 1990 relating to public services and accommodations; procedures for remedy of violations.*

*PART C—OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970*

- Sec. 215. Rights and protections under the Occupational Safety and Health Act of 1970; procedures for remedy of violations.*

*PART D—LABOR-MANAGEMENT RELATIONS*

- Sec. 220. Application of chapter 71 of title 5, United States Code, relating to Federal service labor-management relations; procedures for remedy of violations.*

*PART E—GENERAL*

- Sec. 225. Generally applicable remedies and limitations.*

*PART F—STUDY*

- Sec. 230. Study and recommendations regarding General Accounting Office, Government Printing Office, and Library of Congress.*

*TITLE III—OFFICE OF COMPLIANCE*

- Sec. 301. Establishment of Office of Compliance.*
- Sec. 302. Officers, staff, and other personnel.*
- Sec. 303. Procedural rules.*
- Sec. 304. Substantive regulations.*
- Sec. 305. Expenses.*

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

- Sec. 401. Procedure for consideration of alleged violations.*
- Sec. 402. Counseling.*
- Sec. 403. Mediation.*
- Sec. 404. Election of proceeding.*
- Sec. 405. Complaint and hearing.*

- Sec. 406. *Appeal to the Board.*  
 Sec. 407. *Judicial review of Board decisions and enforcement.*  
 Sec. 408. *Civil action.*  
 Sec. 409. *Judicial review of regulations.*  
 Sec. 410. *Other judicial review prohibited.*  
 Sec. 411. *Effect of failure to issue regulations.*  
 Sec. 412. *Expedited review of certain appeals.*  
 Sec. 413. *Privileges and immunities.*  
 Sec. 414. *Settlement of complaints.*  
 Sec. 415. *Payments.*  
 Sec. 416. *Confidentiality.*

TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 501. *Exercise of rulemaking powers.*  
 Sec. 502. *Political affiliation and place of residence.*  
 Sec. 503. *Nondiscrimination rules of the House and Senate.*  
 Sec. 504. *Technical and conforming amendments.*  
 Sec. 505. *Judicial branch coverage study.*  
 Sec. 506. *Savings provisions.*  
 Sec. 507. *Use of frequent flyer miles.*  
 Sec. 508. *Sense of Senate regarding adoption of simplified and streamlined acquisition procedures for Senate acquisitions.*  
 Sec. 509. *Severability.*

1 **TITLE I—GENERAL**

2 **SEC. 101. DEFINITIONS.**

3 *Except as otherwise specifically provided in this Act,*  
 4 *as used in this Act:*

5 (1) *BOARD.*—*The term “Board” means the*  
 6 *Board of Directors of the Office of Compliance.*

7 (2) *CHAIR.*—*The term “Chair” means the Chair*  
 8 *of the Board of Directors of the Office of Compliance.*

9 (3) *COVERED EMPLOYEE.*—*The term “covered*  
 10 *employee” means any employee of—*

11 (A) *the House of Representatives;*

12 (B) *the Senate;*

13 (C) *the Capitol Guide Service;*

14 (D) *the Capitol Police;*

1                   (E) the Congressional Budget Office;

2                   (F) the Office of the Architect of the Capitol;

3                   (G) the Office of the Attending Physician;

4                   (H) the Office of Compliance; or

5                   (I) the Office of Technology Assessment.

6                   (4) EMPLOYEE.—The term “employee” includes  
7                   an applicant for employment and a former employee.

8                   (5) EMPLOYEE OF THE OFFICE OF THE ARCHI-  
9                   TECT OF THE CAPITOL.—The term “employee of the  
10                  Office of the Architect of the Capitol” includes any  
11                  employee of the Office of the Architect of the Capitol,  
12                  the Botanic Garden, or the Senate Restaurants.

13                  (6) EMPLOYEE OF THE CAPITOL POLICE.—The  
14                  term “employee of the Capitol Police” includes any  
15                  member or officer of the Capitol Police.

16                  (7) EMPLOYEE OF THE HOUSE OF REPRESENTA-  
17                  TIVES.—The term “employee of the House of Rep-  
18                  resentatives” includes an individual occupying a po-  
19                  sition the pay for which is disbursed by the Clerk of  
20                  the House of Representatives, or another official des-  
21                  ignated by the House of Representatives, or any em-  
22                  ployment position in an entity that is paid with  
23                  funds derived from the clerk-hire allowance of the  
24                  House of Representatives but not any such individual

1       employed by any entity listed in subparagraphs (C)  
2       through (I) of paragraph (3).

3               (8) *EMPLOYEE OF THE SENATE.*—The term “em-  
4       ployee of the Senate” includes any employee whose  
5       pay is disbursed by the Secretary of the Senate, but  
6       not any such individual employed by any entity list-  
7       ed in subparagraphs (C) through (I) of paragraph  
8       (3).

9               (9) *EMPLOYING OFFICE.*—The term “employing  
10      office” means—

11              (A) *the personal office of a Member of the*  
12              *House of Representatives or of a Senator;*

13              (B) *a committee of the House of Representa-*  
14              *tives or the Senate or a joint committee;*

15              (C) *any other office headed by a person*  
16              *with the final authority to appoint, hire, dis-*  
17              *charge, and set the terms, conditions, or privi-*  
18              *leges of the employment of an employee of the*  
19              *House of Representatives or the Senate; or*

20              (D) *the Capitol Guide Board, the Capitol*  
21              *Police Board, the Congressional Budget Office,*  
22              *the Office of the Architect of the Capitol, the Of-*  
23              *fice of the Attending Physician, the Office of*  
24              *Compliance, and the Office of Technology Assess-*  
25              *ment.*

1           (10) *EXECUTIVE DIRECTOR*.—The term “*Execu-*  
2           *tive Director*” means the Executive Director of the Of-  
3           *fice of Compliance*.

4           (11) *GENERAL COUNSEL*.—The term “*General*  
5           *Counsel*” means the General Counsel of the Office of  
6           *Compliance*.

7           (12) *OFFICE*.—The term “*Office*” means the Of-  
8           *fice of Compliance*.

9   **SEC. 102. APPLICATION OF LAWS.**

10          (a) *LAWS MADE APPLICABLE*.—The following laws  
11          shall apply, as prescribed by this Act, to the legislative  
12          branch of the Federal Government:

13               (1) *The Fair Labor Standards Act of 1938* (29  
14               *U.S.C. 201 et seq.*).

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

17               (3) *The Americans with Disabilities Act of 1990*  
18               (42 *U.S.C. 12101 et seq.*).

19               (4) *The Age Discrimination in Employment Act*  
20               *of 1967* (29 *U.S.C. 621 et seq.*).

21               (5) *The Family and Medical Leave Act of 1993*  
22               (29 *U.S.C. 2611 et seq.*).

23               (6) *The Occupational Safety and Health Act of*  
24               *1970* (29 *U.S.C. 651 et seq.*).

1           (7) Chapter 71 (relating to Federal service labor-  
2           management relations) of title 5, United States Code.

3           (8) The Employee Polygraph Protection Act of  
4           1988 (29 U.S.C. 2001 et seq.).

5           (9) The Worker Adjustment and Retraining No-  
6           tification Act (29 U.S.C. 2101 et seq.).

7           (10) The Rehabilitation Act of 1973 (29 U.S.C.  
8           701 et seq.).

9           (11) Chapter 43 (relating to veterans' employ-  
10          ment and reemployment) of title 38, United States  
11          Code.

12          (b) LAWS WHICH MAY BE MADE APPLICABLE.—

13           (1) IN GENERAL.—The Board shall review provi-  
14          sions of Federal law (including regulations) relating  
15          to (A) the terms and conditions of employment (in-  
16          cluding hiring, promotion, demotion, termination,  
17          salary, wages, overtime compensation, benefits, work  
18          assignments or reassignments, grievance and discipli-  
19          nary procedures, protection from discrimination in  
20          personnel actions, occupational health and safety, and  
21          family and medical and other leave) of employees,  
22          and (B) access to public services and accommoda-  
23          tions.

24           (2) BOARD REPORT.—Beginning on December  
25          31, 1996, and every 2 years thereafter, the Board

1       *shall report on (A) whether or to what degree the pro-*  
2       *visions described in paragraph (1) are applicable or*  
3       *inapplicable to the legislative branch, and (B) with*  
4       *respect to provisions inapplicable to the legislative*  
5       *branch, whether such provisions should be made ap-*  
6       *plicable to the legislative branch. The presiding offi-*  
7       *cers of the House of Representatives and the Senate*  
8       *shall cause each such report to be printed in the Con-*  
9       *gressional Record and each such report shall be re-*  
10       *ferred to the committees of the House of Representa-*  
11       *tives and the Senate with jurisdiction.*

12               (3) *REPORTS OF CONGRESSIONAL COMMIT-*  
13       *TEES.—Each report accompanying any bill or joint*  
14       *resolution relating to terms and conditions of employ-*  
15       *ment or access to public services or accommodations*  
16       *reported by a committee of the House of Representa-*  
17       *tives or the Senate shall—*

18                       (A) *describe the manner in which the provi-*  
19       *sions of the bill or joint resolution apply to the*  
20       *legislative branch; or*

21                       (B) *in the case of a provision not applicable*  
22       *to the legislative branch, include a statement of*  
23       *the reasons the provision does not apply.*

24       *On the objection of any Member, it shall not be in*  
25       *order for the Senate or the House of Representatives*

1       to consider any such bill or joint resolution if the re-  
2       port of the committee on such bill or joint resolution  
3       does not comply with the provisions of this para-  
4       graph. This paragraph may be waived in either  
5       House by majority vote of that House.

6                   **TITLE II—EXTENSION OF**  
7                   **RIGHTS AND PROTECTIONS**

8       **PART A—EMPLOYMENT DISCRIMINATION, FAMILY**  
9       **AND MEDICAL LEAVE, FAIR LABOR STAND-**  
10      **ARDS, EMPLOYEE POLYGRAPH PROTECTION,**  
11      **WORKER ADJUSTMENT AND RETRAINING,**  
12      **EMPLOYMENT AND REEMPLOYMENT OF VET-**  
13      **ERANS, AND INTIMIDATION**

14      **SEC. 201. RIGHTS AND PROTECTIONS UNDER TITLE VII OF**  
15                   **THE CIVIL RIGHTS ACT OF 1964, THE AGE DIS-**  
16                   **CRIMINATION IN EMPLOYMENT ACT OF 1967,**  
17                   **THE REHABILITATION ACT OF 1973, AND**  
18                   **TITLE I OF THE AMERICANS WITH DISABIL-**  
19                   **ITIES ACT OF 1990.**

20           (a) *DISCRIMINATORY PRACTICES PROHIBITED.*—All  
21      *personnel actions affecting covered employees shall be made*  
22      *free from any discrimination based on—*

23                   (1) *race, color, religion, sex, or national origin,*  
24                   *within the meaning of section 703 of the Civil Rights*  
25                   *Act of 1964 (42 U.S.C. 2000e-2);*

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

4           (3) *disability, within the meaning of section 501*  
5 *of the Rehabilitation Act of 1973 (29 U.S.C. 791) and*  
6 *sections 102 through 104 of the Americans with Dis-*  
7 *abilities Act of 1990 (42 U.S.C. 12112–12114).*

8       (b) *REMEDY.—*

9           (1) *CIVIL RIGHTS.—The remedy for a violation*  
10 *of subsection (a)(1) shall be—*

11                   (A) *such remedy as would be appropriate if*  
12 *awarded under section 706(g) of the Civil Rights*  
13 *Act of 1964 (42 U.S.C. 2000e–5(g)); and*

14                   (B) *such compensatory damages as would*  
15 *be appropriate if awarded under section 1977 of*  
16 *the Revised Statutes (42 U.S.C. 1981), or as*  
17 *would be appropriate if awarded under sections*  
18 *1977A(a)(1), 1977A(b)(2), and, irrespective of*  
19 *the size of the employing office, 1977A(b)(3)(D)*  
20 *of the Revised Statutes (42 U.S.C. 1981a(a)(1),*  
21 *1981a(b)(2), and 1981a(b)(3)(D)).*

22           (2) *AGE DISCRIMINATION.—The remedy for a*  
23 *violation of subsection (a)(2) shall be—*

24                   (A) *such remedy as would be appropriate if*  
25 *awarded under section 15(c) of the Age Discrimi-*

1            *nation in Employment Act of 1967 (29 U.S.C.*  
2            *633a(c)); and*

3            *(B) such liquidated damages as would be*  
4            *appropriate if awarded under section 7(b) of*  
5            *such Act (29 U.S.C. 626(b)).*

6            *In addition, the waiver provisions of section 7(f) of*  
7            *such Act (29 U.S.C. 626(f)) shall apply to covered em-*  
8            *ployees.*

9            *(3) DISABILITIES DISCRIMINATION.—The remedy*  
10           *for a violation of subsection (a)(3) shall be—*

11           *(A) such remedy as would be appropriate if*  
12           *awarded under section 505(a)(1) of the Rehabili-*  
13           *tation Act of 1973 (29 U.S.C. 794a(a)(1)) or sec-*  
14           *tion 107(a) of the Americans with Disabilities*  
15           *Act of 1990 (42 U.S.C. 12117(a)); and*

16           *(B) such compensatory damages as would*  
17           *be appropriate if awarded under sections*  
18           *1977A(a)(2), 1977A(a)(3), 1977A(b)(2), and, ir-*  
19           *respective of the size of the employing office,*  
20           *1977A(b)(3)(D) of the Revised Statutes (42*  
21           *U.S.C. 1981a(a)(2), 1981a(a)(3), 1981a(b)(2),*  
22           *and 1981a(b)(3)(D)).*

23           *(c) APPLICATION TO GENERAL ACCOUNTING OFFICE,*  
24           *GOVERNMENT PRINTING OFFICE, AND LIBRARY OF CON-*  
25           *GRESS.—*

1           (1) *SECTION 717 OF THE CIVIL RIGHTS ACT OF*  
2           *1964.—Section 717(a) of the Civil Rights Act of 1964*  
3           *(42 U.S.C. 2000e–16) is amended by—*

4                   (A) *striking “legislative and”;*

5                   (B) *striking “branches” and inserting*  
6                   *“branch”; and*

7                   (C) *inserting “Government Printing Office,*  
8                   *the General Accounting Office, and the” after*  
9                   *“and in the”.*

10          (2) *SECTION 15 OF THE AGE DISCRIMINATION IN*  
11          *EMPLOYMENT ACT OF 1967.—Section 15(a) of the Age*  
12          *Discrimination in Employment Act of 1967 (29*  
13          *U.S.C. 633a(a)) is amended by—*

14                   (A) *striking “legislative and”;*

15                   (B) *striking “branches” and inserting*  
16                   *“branch”; and*

17                   (C) *inserting “Government Printing Office,*  
18                   *the General Accounting Office, and the” after*  
19                   *“and in the”.*

20          (3) *SECTION 509 OF THE AMERICANS WITH DIS-*  
21          *ABILITIES ACT OF 1990.—Section 509 of the Ameri-*  
22          *cans with Disabilities Act of 1990 (42 U.S.C. 12209)*  
23          *is amended—*

24                   (A) *by striking subsections (a) and (b) of*  
25                   *section 509;*

1           (B) in subsection (c), by striking “(c) IN-  
2           STRUMENTALITIES OF CONGRESS.—” and insert-  
3           ing “The General Accounting Office, the Govern-  
4           ment Printing Office, and the Library of Con-  
5           gress shall be covered as follows:”;

6           (C) by striking the second sentence of para-  
7           graph (2);

8           (D) in paragraph (4), by striking “the in-  
9           strumentalities of the Congress include” and in-  
10          serting “the term ‘instrumentality of the Con-  
11          gress’ means”, by striking “the Architect of the  
12          Capitol, the Congressional Budget Office”, by in-  
13          serting “and” before “the Library”, and by strik-  
14          ing “the Office of Technology Assessment, and  
15          the United States Botanic Garden”;

16          (E) by redesignating paragraph (5) as  
17          paragraph (7) and by inserting after paragraph  
18          (4) the following new paragraph:

19          “(5) ENFORCEMENT OF EMPLOYMENT RIGHTS.—  
20          The remedies and procedures set forth in section 717  
21          of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16)  
22          shall be available to any employee of an instrumen-  
23          tality of the Congress who alleges a violation of the  
24          rights and protections under sections 102 through 104  
25          of this Act that are made applicable by this section,

1       *except that the authorities of the Equal Employment*  
2       *Opportunity Commission shall be exercised by the*  
3       *chief official of the instrumentality of the Congress.”;*  
4       *and*

5               *(F) by amending the title of the section to*  
6       *read “**INSTRUMENTALITIES OF THE CON-***  
7       ***GRESS**”.*

8       *(d) EFFECTIVE DATE.—This section shall take effect*  
9       *1 year after the date of the enactment of this Act.*

10    **SEC. 202. RIGHTS AND PROTECTIONS UNDER THE FAMILY**  
11               **AND MEDICAL LEAVE ACT OF 1993.**

12       *(a) FAMILY AND MEDICAL LEAVE RIGHTS AND PRO-*  
13       *TECTIONS PROVIDED.—*

14               *(1) IN GENERAL.—The rights and protections es-*  
15       *tablished by sections 101 through 105 of the Family*  
16       *and Medical Leave Act of 1993 (29 U.S.C. 2611*  
17       *through 2615) shall apply to covered employees.*

18               *(2) DEFINITION.—For purposes of the applica-*  
19       *tion described in paragraph (1)—*

20               *(A) the term “employer” as used in the*  
21       *Family and Medical Leave Act of 1993 means*  
22       *any employing office, and*

23               *(B) the term “eligible employee” as used in*  
24       *the Family and Medical Leave Act of 1993*  
25       *means a covered employee who has been em-*

1           *ployed in any employing office for 12 months*  
2           *and for at least 1,250 hours of employment dur-*  
3           *ing the previous 12 months.*

4           *(b) REMEDY.—The remedy for a violation of subsection*  
5           *(a) shall be such remedy, including liquidated damages, as*  
6           *would be appropriate if awarded under paragraph (1) of*  
7           *section 107(a) of the Family and Medical Leave Act of 1993*  
8           *(29 U.S.C. 2617(a)(1)).*

9           *(c) APPLICATION TO GENERAL ACCOUNTING OFFICE*  
10          *AND LIBRARY OF CONGRESS.—*

11           *(1) AMENDMENTS TO THE FAMILY AND MEDICAL*  
12          *LEAVE ACT OF 1993.—*

13           *(A) COVERAGE.—Section 101(4)(A) of the*  
14          *Family and Medical Leave Act of 1993 (29*  
15          *U.S.C. 2611(4)(A)) is amended by striking*  
16          *“and” at the end of clause (ii), by striking the*  
17          *period at the end of clause (iii) and inserting “;*  
18          *and”, and by adding after clause (iii) the follow-*  
19          *ing:*

20                    *“(iv) includes the General Accounting*  
21                    *Office and the Library of Congress.”.*

22           *(B) ENFORCEMENT.—Section 107 of the*  
23          *Family and Medical Leave Act of 1993 (29*  
24          *U.S.C. 2617) is amended by adding at the end*  
25          *the following:*

1       “(f) *GENERAL ACCOUNTING OFFICE AND LIBRARY OF*  
2 *CONGRESS.*—*In the case of the General Accounting Office*  
3 *and the Library of Congress, the authority of the Secretary*  
4 *of Labor under this title shall be exercised respectively by*  
5 *the Comptroller General of the United States and the Li-*  
6 *brarian of Congress.”.*

7           (2) *CONFORMING AMENDMENT TO TITLE 5, UNIT-*  
8 *ED STATES CODE.*—*Section 6381(1)(A) of title 5,*  
9 *United States Code, is amended by striking “and”*  
10 *after “District of Columbia” and inserting before the*  
11 *semicolon the following: “, and any employee of the*  
12 *General Accounting Office or the Library of Con-*  
13 *gress”.*

14       (d) *REGULATIONS.*—

15           (1) *IN GENERAL.*—*The Board shall, pursuant to*  
16 *section 304, issue regulations to implement the rights*  
17 *and protections under this section.*

18           (2) *AGENCY REGULATIONS.*—*The regulations is-*  
19 *sued under paragraph (1) shall be the same as sub-*  
20 *stantive regulations promulgated by the Secretary of*  
21 *Labor to implement the statutory provisions referred*  
22 *to in subsection (a) except insofar as the Board may*  
23 *determine, for good cause shown and stated together*  
24 *with the regulation, that a modification of such regu-*

1        *lations would be more effective for the implementation*  
2        *of the rights and protections under this section.*

3        *(e) EFFECTIVE DATE.—*

4                *(1) IN GENERAL.—Subsections (a) and (b) shall*  
5        *be effective 1 year after the date of the enactment of*  
6        *this Act.*

7                *(2) GENERAL ACCOUNTING OFFICE AND LIBRARY*  
8        *OF CONGRESS.—Subsection (c) shall be effective 1*  
9        *year after transmission to the Congress of the study*  
10        *under section 230.*

11        **SEC. 203. RIGHTS AND PROTECTIONS UNDER THE FAIR**  
12                **LABOR STANDARDS ACT OF 1938.**

13        *(a) FAIR LABOR STANDARDS.—*

14                *(1) IN GENERAL.—The rights and protections es-*  
15        *tablished by subsections (a)(1) and (d) of section 6,*  
16        *section 7, and section 12(c) of the Fair Labor Stand-*  
17        *ards Act of 1938 (29 U.S.C. 206 (a)(1) and (d), 207,*  
18        *212(c)) shall apply to covered employees.*

19                *(2) INTERNS.—For the purposes of this section,*  
20        *the term “covered employee” does not include an in-*  
21        *tern as defined in regulations under subsection (c).*

22                *(3) COMPENSATORY TIME.—Except as provided*  
23        *in regulations under subsection (c)(3), covered em-*  
24        *ployees may not receive compensatory time in lieu of*  
25        *overtime compensation.*

1       (b) *REMEDY.*—*The remedy for a violation of subsection*  
2 *(a) shall be such remedy, including liquidated damages, as*  
3 *would be appropriate if awarded under section 16(b) of the*  
4 *Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)).*

5       (c) *REGULATIONS TO IMPLEMENT SECTION.*—

6           (1) *IN GENERAL.*—*The Board shall, pursuant to*  
7 *section 304, issue regulations to implement this sec-*  
8 *tion.*

9           (2) *AGENCY REGULATIONS.*—*Except as provided*  
10 *in paragraph (3), the regulations issued under para-*  
11 *graph (1) shall be the same as substantive regulations*  
12 *promulgated by the Secretary of Labor to implement*  
13 *the statutory provisions referred to in subsection (a)*  
14 *except insofar as the Board may determine, for good*  
15 *cause shown and stated together with the regulation,*  
16 *that a modification of such regulations would be more*  
17 *effective for the implementation of the rights and pro-*  
18 *tections under this section.*

19           (3) *IRREGULAR WORK SCHEDULES.*—*The Board*  
20 *shall issue regulations for covered employees whose*  
21 *work schedules directly depend on the schedule of the*  
22 *House of Representatives or the Senate that shall be*  
23 *comparable to the provisions in the Fair Labor*  
24 *Standards Act of 1938 that apply to employees who*  
25 *have irregular work schedules.*

1           (d) *APPLICATION TO THE GOVERNMENT PRINTING OF-*  
2 *FICE.*—Section 3(e)(2)(A) of the Fair Labor Standards Act  
3 of 1938 (29 U.S.C. 203(e)(2)(A)) is amended—

4           (1) in clause (iii), by striking “legislative or”,  
5           (2) by striking “or” at the end of clause (iv),  
6           and  
7           (3) by striking the semicolon at the end of clause  
8           (v) and inserting “; or” and by adding after clause  
9           (v) the following:

10                           “(vi) the Government Printing Office;”.

11           (e) *EFFECTIVE DATE.*—Subsections (a) and (b) shall  
12 be effective 1 year after the date of the enactment of this  
13 Act.

14 **SEC. 204. RIGHTS AND PROTECTIONS UNDER THE EM-**  
15 **EMPLOYEE POLYGRAPH PROTECTION ACT OF**  
16 **1988.**

17           (a) *POLYGRAPH PRACTICES PROHIBITED.*—

18           (1) *IN GENERAL.*—No employing office, irrespec-  
19           tive of whether a covered employee works in that em-  
20           ploying office, may require a covered employee to take  
21           a lie detector test where such a test would be prohib-  
22           ited if required by an employer under paragraph (1),  
23           (2), or (3) of section 3 of the Employee Polygraph  
24           Protection Act of 1988 (29 U.S.C. 2002 (1), (2), or  
25           (3)). In addition, the waiver provisions of section

1       6(d) of such Act (29 U.S.C. 2005(d)) shall apply to  
2       covered employees.

3           (2) *DEFINITIONS.*—For purposes of this section,  
4       the term “covered employee” shall include employees  
5       of the General Accounting Office and the Library of  
6       Congress and the term “employing office” shall in-  
7       clude the General Accounting Office and the Library  
8       of Congress.

9           (3) *CAPITOL POLICE.*—Nothing in this section  
10       shall preclude the Capitol Police from using lie detec-  
11       tor tests in accordance with regulations under sub-  
12       section (c).

13       (b) *REMEDY.*—The remedy for a violation of subsection  
14       (a) shall be such remedy as would be appropriate if award-  
15       ed under section 6(c)(1) of the Employee Polygraph Protec-  
16       tion Act of 1988 (29 U.S.C. 2005(c)(1)).

17       (c) *REGULATIONS TO IMPLEMENT SECTION.*—

18           (1) *IN GENERAL.*—The Board shall, pursuant to  
19       section 304, issue regulations to implement this sec-  
20       tion.

21           (2) *AGENCY REGULATIONS.*—The regulations is-  
22       sued under paragraph (1) shall be the same as sub-  
23       stantive regulations promulgated by the Secretary of  
24       Labor to implement the statutory provisions referred  
25       to in subsections (a) and (b) except insofar as the

1     *Board may determine, for good cause shown and stat-*  
2     *ed together with the regulation, that a modification of*  
3     *such regulations would be more effective for the imple-*  
4     *mentation of the rights and protections under this*  
5     *section.*

6     *(d) EFFECTIVE DATE.—*

7             *(1) IN GENERAL.—Except as provided in para-*  
8             *graph (2), subsections (a) and (b) shall be effective 1*  
9             *year after the date of the enactment of this Act.*

10            *(2) GENERAL ACCOUNTING OFFICE AND LIBRARY*  
11            *OF CONGRESS.—This section shall be effective with re-*  
12            *spect to the General Accounting Office and the Li-*  
13            *brary of Congress 1 year after transmission to the*  
14            *Congress of the study under section 230.*

15     **SEC. 205. RIGHTS AND PROTECTIONS UNDER THE WORKER**

16                    **ADJUSTMENT AND RETRAINING NOTIFICA-**  
17                    **TION ACT.**

18            *(a) WORKER ADJUSTMENT AND RETRAINING NOTIFI-*  
19            *CATION RIGHTS.—*

20             *(1) IN GENERAL.—No employing office shall be*  
21             *closed or a mass layoff ordered within the meaning of*  
22             *section 3 of the Worker Adjustment and Retraining*  
23             *Notification Act (29 U.S.C. 2102) until the end of a*  
24             *60-day period after the employing office serves writ-*  
25             *ten notice of such prospective closing or layoff to rep-*

1        *representatives of covered employees or, if there are no*  
2        *representatives, to covered employees.*

3            (2) *DEFINITIONS.—For purposes of this section,*  
4        *the term “covered employee” shall include employees*  
5        *of the General Accounting Office and the Library of*  
6        *Congress and the term “employing office” shall in-*  
7        *clude the General Accounting Office and the Library*  
8        *of Congress.*

9            (b) *REMEDY.—The remedy for a violation of subsection*  
10       *(a) shall be such remedy as would be appropriate if award-*  
11       *ed under paragraphs (1), (2), and (4) of section 5(a) of*  
12       *the Worker Adjustment and Retraining Notification Act (29*  
13       *U.S.C. 2104(a)(1), (2), and (4)).*

14            (c) *REGULATIONS TO IMPLEMENT SECTION.—*

15            (1) *IN GENERAL.—The Board shall, pursuant to*  
16        *section 304, issue regulations to implement this sec-*  
17        *tion.*

18            (2) *AGENCY REGULATIONS.—The regulations is-*  
19        *sued under paragraph (1) shall be the same as sub-*  
20        *stantive regulations promulgated by the Secretary of*  
21        *Labor to implement the statutory provisions referred*  
22        *to in subsection (a) except insofar as the Board may*  
23        *determine, for good cause shown and stated together*  
24        *with the regulation, that a modification of such regu-*

1        *lations would be more effective for the implementation*  
2        *of the rights and protections under this section.*

3        *(d) EFFECTIVE DATE.—*

4                *(1) IN GENERAL.—Except as provided in para-*  
5        *graph (2), subsections (a) and (b) shall be effective 1*  
6        *year after the date of the enactment of this Act.*

7                *(2) GENERAL ACCOUNTING OFFICE AND LIBRARY*  
8        *OF CONGRESS.—This section shall be effective with re-*  
9        *spect to the General Accounting Office and the Li-*  
10        *brary of Congress 1 year after transmission to the*  
11        *Congress of the study under section 230.*

12        **SEC. 206. RIGHTS AND PROTECTIONS RELATING TO VETER-**  
13                **ANS' EMPLOYMENT AND REEMPLOYMENT.**

14        *(a) EMPLOYMENT AND REEMPLOYMENT RIGHTS OF*  
15        *MEMBERS OF THE UNIFORMED SERVICES.—*

16                *(1) IN GENERAL.—It shall be unlawful for an*  
17        *employing office to—*

18                        *(A) discriminate, within the meaning of*  
19        *subsections (a) and (b) of section 4311 of title*  
20        *38, United States Code, against an eligible em-*  
21        *ployee;*

22                        *(B) deny to an eligible employee reemploy-*  
23        *ment rights within the meaning of sections 4312*  
24        *and 4313 of title 38, United States Code; or*

1           (C) deny to an eligible employee benefits  
2           within the meaning of sections 4316, 4317, and  
3           4318 of title 38, United States Code.

4           (2) DEFINITIONS.—For purposes of this sec-  
5           tion—

6                   (A) the term “eligible employee” means a  
7                   covered employee performing service in the uni-  
8                   formed services, within the meaning of section  
9                   4303(13) of title 38, United States Code, whose  
10                  service has not been terminated upon occurrence  
11                  of any of the events enumerated in section 4304  
12                  of title 38, United States Code,

13                   (B) the term “covered employee” includes  
14                   employees of the General Accounting Office and  
15                   the Library of Congress, and

16                   (C) the term “employing office” includes the  
17                   General Accounting Office and the Library of  
18                   Congress.

19           (b) REMEDY.—The remedy for a violation of subsection  
20           (a) shall be such remedy as would be appropriate if award-  
21           ed under paragraphs (1), (2)(A), and (3) of section 4323(c)  
22           of title 38, United States Code.

23           (c) REGULATIONS TO IMPLEMENT SECTION.—

1           (1) *IN GENERAL.*—*The Board shall, pursuant to*  
2 *section 304, issue regulations to implement this sec-*  
3 *tion.*

4           (2) *AGENCY REGULATIONS.*—*The regulations is-*  
5 *sued under paragraph (1) shall be the same as sub-*  
6 *stantive regulations promulgated by the Secretary of*  
7 *Labor to implement the statutory provisions referred*  
8 *to in subsection (a) except to the extent that the*  
9 *Board may determine, for good cause shown and stat-*  
10 *ed together with the regulation, that a modification of*  
11 *such regulations would be more effective for the imple-*  
12 *mentation of the rights and protections under this*  
13 *section.*

14       (d) *EFFECTIVE DATE.*—

15           (1) *IN GENERAL.*—*Except as provided in para-*  
16 *graph (2), subsections (a) and (b) shall be effective 1*  
17 *year after the date of the enactment of this Act.*

18           (2) *GENERAL ACCOUNTING OFFICE AND LIBRARY*  
19 *OF CONGRESS.*—*This section shall be effective with re-*  
20 *spect to the General Accounting Office and the Li-*  
21 *brary of Congress 1 year after transmission to the*  
22 *Congress of the study under section 230.*

23 **SEC. 207. PROHIBITION OF INTIMIDATION OR REPRISAL.**

24           (a) *IN GENERAL.*—*It shall be unlawful for an employ-*  
25 *ing office to intimidate, take reprisal against, or otherwise*

1 *discriminate against, any covered employee because the cov-*  
2 *ered employee has opposed any practice made unlawful by*  
3 *this Act, or because the covered employee has initiated pro-*  
4 *ceedings, made a charge, or testified, assisted, or partici-*  
5 *ipated in any manner in a hearing or other proceeding*  
6 *under this Act.*

7 (b) *REMEDY.*—*The remedy available for a violation of*  
8 *subsection (a) shall be such legal or equitable remedy as*  
9 *may be appropriate to redress a violation of subsection (a).*

10 ***PART B—PUBLIC SERVICES AND ACCOMMODA-***  
11 ***TIONS UNDER THE AMERICANS WITH DIS-***  
12 ***ABILITIES ACT OF 1990***

13 ***SEC. 210. RIGHTS AND PROTECTIONS UNDER THE AMERI-***  
14 ***CANS WITH DISABILITIES ACT OF 1990 RELAT-***  
15 ***ING TO PUBLIC SERVICES AND ACCOMMODA-***  
16 ***TIONS; PROCEDURES FOR REMEDY OF VIOLA-***  
17 ***TIONS.***

18 (a) *ENTITIES SUBJECT TO THIS SECTION.*—*The re-*  
19 *quirements of this section shall apply to—*

20 (1) *each office of the Senate, including each office*  
21 *of a Senator and each committee;*

22 (2) *each office of the House of Representatives,*  
23 *including each office of a Member of the House of*  
24 *Representatives and each committee;*

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

1           (4) *the Capitol Guide Service;*

2           (5) *the Capitol Police;*

3           (6) *the Congressional Budget Office;*

4           (7) *the Office of the Architect of the Capitol (in-*  
5 *cluding the Senate Restaurants and the Botanic Gar-*  
6 *den);*

7           (8) *the Office of the Attending Physician;*

8           (9) *the Office of Compliance; and*

9           (10) *the Office of Technology Assessment.*

10       (b) *DISCRIMINATION IN PUBLIC SERVICES AND AC-*  
11 *COMMODATIONS.—*

12           (1) *RIGHTS AND PROTECTIONS.—The rights and*  
13 *protections against discrimination in the provision of*  
14 *public services and accommodations established by*  
15 *sections 201 through 230, 302, 303, and 309 of the*  
16 *Americans with Disabilities Act of 1990 (42 U.S.C.*  
17 *12131–12150, 12182, 12183, and 12189) shall apply*  
18 *to the entities listed in subsection (a).*

19           (2) *DEFINITIONS.—For purposes of the applica-*  
20 *tion of title II of the Americans with Disabilities Act*  
21 *of 1990 (42 U.S.C. 12131 et seq.) under this section,*  
22 *the term “public entity” means any entity listed in*  
23 *subsection (a) that provides public services, programs,*  
24 *or activities.*

1           (c) *REMEDY.*—The remedy for a violation of subsection  
2 (b) shall be such remedy as would be appropriate if award-  
3 ed under section 203 or 308(a) of the Americans with Dis-  
4 abilities Act of 1990 (42 U.S.C. 12133, 12188(a)), except  
5 that, with respect to any claim of employment discrimina-  
6 tion asserted by any covered employee, the exclusive remedy  
7 shall be under section 201 of this title.

8           (d) *AVAILABLE PROCEDURES.*—

9           (1) *CHARGE FILED WITH GENERAL COUNSEL.*—  
10          A qualified individual with a disability, as defined in  
11          section 201(2) of the Americans with Disabilities Act  
12          of 1990 (42 U.S.C. 12131(2)), who alleges a violation  
13          of subsection (b) by an entity listed in subsection (a),  
14          may file a charge against any entity responsible for  
15          correcting the violation with the General Counsel  
16          within 180 days of the occurrence of the alleged viola-  
17          tion. The General Counsel shall investigate the charge.

18          (2) *MEDIATION.*—If, upon investigation under  
19          paragraph (1), the General Counsel believes that a  
20          violation of subsection (b) may have occurred and  
21          that mediation may be helpful in resolving the dis-  
22          pute, the General Counsel may request, but not par-  
23          ticipate in, mediation under subsections (b) through  
24          (d) of section 403 between the charging individual

1     *and any entity responsible for correcting the alleged*  
2     *violation.*

3             (3) *COMPLAINT, HEARING, BOARD REVIEW.—If*  
4     *mediation under paragraph (2) has not succeeded in*  
5     *resolving the dispute, and if the General Counsel be-*  
6     *lieves that a violation of subsection (b) may have oc-*  
7     *curred, the General Counsel may file with the Office*  
8     *a complaint against any entity responsible for cor-*  
9     *recting the violation. The complaint shall be submit-*  
10    *ted to a hearing officer for decision pursuant to sub-*  
11    *sections (b) through (h) of section 405 and any person*  
12    *who has filed a charge under paragraph (1) may in-*  
13    *tervene as of right, with the full rights of a party. The*  
14    *decision of the hearing officer shall be subject to re-*  
15    *view by the Board pursuant to section 406.*

16            (4) *JUDICIAL REVIEW.—A charging individual*  
17    *who has intervened under paragraph (3) or any re-*  
18    *spondent to the complaint, if aggrieved by a final de-*  
19    *cision of the Board under paragraph (3), may file a*  
20    *petition for review in the United States Court of Ap-*  
21    *peals for the Federal Circuit, pursuant to section 407.*

22            (5) *COMPLIANCE DATE.—If new appropriated*  
23    *funds are necessary to comply with an order requir-*  
24    *ing correction of a violation of subsection (b), compli-*  
25    *ance shall take place as soon as possible, but no later*

1 *than the fiscal year following the end of the fiscal*  
2 *year in which the order requiring correction becomes*  
3 *final and not subject to further review.*

4 *(e) REGULATIONS TO IMPLEMENT SECTION.—*

5 *(1) IN GENERAL.—The Board shall, pursuant to*  
6 *section 304, issue regulations to implement this sec-*  
7 *tion.*

8 *(2) AGENCY REGULATIONS.—The regulations is-*  
9 *ssued under paragraph (1) shall be the same as sub-*  
10 *stantive regulations promulgated by the Attorney*  
11 *General and the Secretary of Transportation to im-*  
12 *plement the statutory provisions referred to in sub-*  
13 *section (b) except to the extent that the Board may*  
14 *determine, for good cause shown and stated together*  
15 *with the regulation, that a modification of such regu-*  
16 *lations would be more effective for the implementation*  
17 *of the rights and protections under this section.*

18 *(3) ENTITY RESPONSIBLE FOR CORRECTION.—*  
19 *The regulations issued under paragraph (1) shall in-*  
20 *clude a method of identifying, for purposes of this sec-*  
21 *tion and for categories of violations of subsection (b),*  
22 *the entity responsible for correction of a particular*  
23 *violation.*

24 *(f) PERIODIC INSPECTIONS; REPORT TO CONGRESS;*  
25 *INITIAL STUDY.—*

1           (1) *PERIODIC INSPECTIONS.*—*On a regular basis,*  
2           *and at least once each Congress, the General Counsel*  
3           *shall inspect the facilities of the entities listed in sub-*  
4           *section (a) to ensure compliance with subsection (b).*

5           (2) *REPORT.*—*On the basis of each periodic in-*  
6           *spection, the General Counsel shall, at least once every*  
7           *Congress, prepare and submit a report—*

8                   (A) *to the Speaker of the House of Rep-*  
9                   *resentatives, the President pro tempore of the*  
10                  *Senate, and the Office of the Architect of the*  
11                  *Capitol, or other entity responsible, for correct-*  
12                  *ing the violation of this section uncovered by*  
13                  *such inspection, and*

14                  (B) *containing the results of the periodic*  
15                  *inspection, describing any steps necessary to cor-*  
16                  *rect any violation of this section, assessing any*  
17                  *limitations in accessibility to and usability by*  
18                  *individuals with disabilities associated with each*  
19                  *violation, and the estimated cost and time need-*  
20                  *ed for abatement.*

21           (3) *INITIAL PERIOD FOR STUDY AND CORRECTIVE*  
22           *ACTION.*—*The period from the date of the enactment*  
23           *of this Act until December 31, 1996, shall be available*  
24           *to the Office of the Architect of the Capitol and other*  
25           *entities subject to this section to identify any viola-*

1        *tions of subsection (b), to determine the costs of com-*  
2        *pliance, and to take any necessary corrective action*  
3        *to abate any violations. The Office shall assist the Of-*  
4        *fice of the Architect of the Capitol and other entities*  
5        *listed in subsection (a) by arranging for inspections*  
6        *and other technical assistance at their request. Prior*  
7        *to July 1, 1996, the General Counsel shall conduct a*  
8        *thorough inspection under paragraph (1) and shall*  
9        *submit the report under paragraph (2) for the 104th*  
10       *Congress.*

11            *(4) DETAILED PERSONNEL.—The Attorney Gen-*  
12        *eral, the Secretary of Transportation, and the Archi-*  
13        *tectural and Transportation Barriers Compliance*  
14        *Board may, on request of the Executive Director, de-*  
15        *tail to the Office such personnel as may be necessary*  
16        *to advise and assist the Office in carrying out its du-*  
17        *ties under this section.*

18            *(g) APPLICATION OF AMERICANS WITH DISABILITIES*  
19        *ACT OF 1990 TO THE PROVISION OF PUBLIC SERVICES AND*  
20        *ACCOMMODATIONS BY THE GENERAL ACCOUNTING OFFICE,*  
21        *THE GOVERNMENT PRINTING OFFICE, AND THE LIBRARY*  
22        *OF CONGRESS.—Section 509 of the Americans with Disabil-*  
23        *ities Act of 1990 (42 U.S.C. 12209)), as amended by section*  
24        *201(c) of this Act, is amended by adding the following new*  
25        *paragraph:*

1           “(6) *ENFORCEMENT OF RIGHTS TO PUBLIC SERV-*  
2           *ICES AND ACCOMMODATIONS.*—*The remedies and pro-*  
3           *cedures set forth in section 717 of the Civil Rights Act*  
4           *of 1964 (42 U.S.C. 2000e–16) shall be available to*  
5           *any qualified person with a disability who is a visi-*  
6           *tor, guest, or patron of an instrumentality of Con-*  
7           *gress and who alleges a violation of the rights and*  
8           *protections under sections 201 through 230 or section*  
9           *302 or 303 of this Act that are made applicable by*  
10           *this section, except that the authorities of the Equal*  
11           *Employment Opportunity Commission shall be exer-*  
12           *cised by the chief official of the instrumentality of the*  
13           *Congress.”.*

14           *(h) EFFECTIVE DATE.*—

15                   *(1) IN GENERAL.*—*Subsections (b), (c), and (d)*  
16           *shall be effective on January 1, 1997.*

17                   *(2) GENERAL ACCOUNTING OFFICE, GOVERNMENT*  
18           *PRINTING OFFICE, AND LIBRARY OF CONGRESS.*—*Sub-*  
19           *section (g) shall be effective 1 year after transmission*  
20           *to the Congress of the study under section 230.*

1 **PART C—OCCUPATIONAL SAFETY AND HEALTH**

2 **ACT OF 1970**

3 **SEC. 215. 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.—*

8 (1) *IN GENERAL.—Each employing office and*  
9 *each covered employee shall comply with the provi-*  
10 *sions of section 5 of the Occupational Safety and*  
11 *Health Act of 1970 (29 U.S.C. 654).*

12 (2) *DEFINITIONS.—For purposes of the applica-*  
13 *tion under this section of the Occupational Safety*  
14 *and Health Act of 1970—*

15 (A) *the term “employer” as used in such*  
16 *Act means an employing office;*

17 (B) *the term “employee” as used in such*  
18 *Act means a covered employee;*

19 (C) *the term “employing office” includes the*  
20 *General Accounting Office, the Library of Con-*  
21 *gress, and any entity listed in subsection (a) of*  
22 *section 210 that is responsible for correcting a*  
23 *violation of this section, irrespective of whether*  
24 *the entity has an employment relationship with*  
25 *any covered employee in any employing office in*  
26 *which such a violation occurs; and*

1           (D) the term “employee” includes employees  
2           of the General Accounting Office and the Library  
3           of Congress.

4           (b) REMEDY.—The remedy for a violation of subsection  
5 (a) shall be an order to correct the violation, including such  
6 order as would be appropriate if issued under section 13(a)  
7 of the Occupational Safety and Health Act of 1970 (29  
8 U.S.C. 662(a)).

9           (c) PROCEDURES.—

10           (1) REQUESTS FOR INSPECTIONS.—Upon written  
11 request of any employing office or covered employee,  
12 the General Counsel shall exercise the authorities  
13 granted to the Secretary of Labor by subsections (a),  
14 (d), (e), and (f) of section 8 of the Occupational Safe-  
15 ty and Health Act of 1970 (29 U.S.C. 657 (a), (d),  
16 (e), and (f)) to inspect and investigate places of em-  
17 ployment under the jurisdiction of employing offices.

18           (2) CITATIONS, NOTICES, AND NOTIFICATIONS.—  
19 For purposes of this section, the General Counsel shall  
20 exercise the authorities granted to the Secretary of  
21 Labor in sections 9 and 10 of the Occupational Safety  
22 and Health Act of 1970 (29 U.S.C. 658 and 659), to  
23 issue—

1           (A) a citation or notice to any employing  
2 office responsible for correcting a violation of  
3 subsection (a); or

4           (B) a notification to any employing office  
5 that the General Counsel believes has failed to  
6 correct a violation for which a citation has been  
7 issued within the period permitted for its correc-  
8 tion.

9           (3) *HEARINGS AND REVIEW.*—If after issuing a  
10 citation or notification, the General Counsel deter-  
11 mines that a violation has not been corrected, the  
12 General Counsel may file a complaint with the Office  
13 against the employing office named in the citation or  
14 notification. The complaint shall be submitted to a  
15 hearing officer for decision pursuant to subsections  
16 (b) through (h) of section 405, subject to review by the  
17 Board pursuant to section 406.

18           (4) *VARIANCE PROCEDURES.*—An employing of-  
19 fice may request from the Board an order granting a  
20 variance from a standard made applicable by this  
21 section. For the purposes of this section, the Board  
22 shall exercise the authorities granted to the Secretary  
23 of Labor in sections 6(b)(6) and 6(d) of the Occupa-  
24 tional Safety and Health Act of 1970 (29 U.S.C.  
25 655(b)(6) and 655(d)) to act on any employing of-

1        *office's request for a variance. The Board shall refer the*  
2        *matter to a hearing officer pursuant to subsections (b)*  
3        *through (h) of section 405, subject to review by the*  
4        *Board pursuant to section 406.*

5            (5) *JUDICIAL REVIEW.*—*The General Counsel or*  
6        *employing office aggrieved by a final decision of the*  
7        *Board under paragraph (3) or (4), may file a peti-*  
8        *tion for review with the United States Court of Ap-*  
9        *peals for the Federal Circuit pursuant to section 407.*

10           (6) *COMPLIANCE DATE.*—*If new appropriated*  
11        *funds are necessary to correct a violation of sub-*  
12        *section (a) for which a citation is issued, or to comply*  
13        *with an order requiring correction of such a violation,*  
14        *correction or compliance shall take place as soon as*  
15        *possible, but not later than the end of the fiscal year*  
16        *following the fiscal year in which the citation is is-*  
17        *sued or the order requiring correction becomes final*  
18        *and not subject to further review.*

19           (d) *REGULATIONS TO IMPLEMENT SECTION.*—

20           (1) *IN GENERAL.*—*The Board shall, pursuant to*  
21        *section 304, issue regulations to implement this sec-*  
22        *tion.*

23           (2) *AGENCY REGULATIONS.*—*The regulations is-*  
24        *sued under paragraph (1) shall be the same as sub-*  
25        *stantive regulations promulgated by the Secretary of*

1     *Labor to implement the statutory provisions referred*  
2     *to in subsection (a) except to the extent that the*  
3     *Board may determine, for good cause shown and stat-*  
4     *ed together with the regulation, that a modification of*  
5     *such regulations would be more effective for the imple-*  
6     *mentation of the rights and protections under this*  
7     *section.*

8             (3) *EMPLOYING OFFICE RESPONSIBLE FOR COR-*  
9     *RECTION.—The regulations issued under paragraph*  
10    *(1) shall include a method of identifying, for purposes*  
11    *of this section and for different categories of violations*  
12    *of subsection (a), the employing office responsible for*  
13    *correction of a particular violation.*

14    (e) *PERIODIC INSPECTIONS; REPORT TO CONGRESS.—*

15             (1) *PERIODIC INSPECTIONS.—On a regular basis,*  
16    *and at least once each Congress, the General Counsel,*  
17    *exercising the same authorities of the Secretary of*  
18    *Labor as under subsection (c)(1), shall conduct peri-*  
19    *odic inspections of all facilities of the House of Rep-*  
20    *resentatives, the Senate, the Capitol Guide Service,*  
21    *the Capitol Police, the Congressional Budget Office,*  
22    *the Office of the Architect of the Capitol, the Office of*  
23    *the Attending Physician, the Office of Compliance, the*  
24    *Office of Technology Assessment, the Library of Con-*

1 *gress, and the General Accounting Office to report on*  
2 *compliance with subsection (a).*

3 (2) *REPORT.*—*On the basis of each periodic in-*  
4 *spection, the General Counsel shall prepare and sub-*  
5 *mit a report—*

6 (A) *to the Speaker of the House of Rep-*  
7 *resentatives, the President pro tempore of the*  
8 *Senate, and the Office of the Architect of the*  
9 *Capitol or other employing office responsible for*  
10 *correcting the violation of this section uncovered*  
11 *by such inspection, and*

12 (B) *containing the results of the periodic*  
13 *inspection, identifying the employing office re-*  
14 *sponsible for correcting the violation of this sec-*  
15 *tion uncovered by such inspection, describing*  
16 *any steps necessary to correct any violation of*  
17 *this section, and assessing any risks to employee*  
18 *health and safety associated with any violation.*

19 (3) *ACTION AFTER REPORT.*—*If a report identi-*  
20 *fies any violation of this section, the General Counsel*  
21 *shall issue a citation or notice in accordance with*  
22 *subsection (c)(2)(A).*

23 (4) *DETAILED PERSONNEL.*—*The Secretary of*  
24 *Labor may, on request of the Executive Director, de-*  
25 *tail to the Office such personnel as may be necessary*

1       to advise and assist the Office in carrying out its du-  
2       ties under this section.

3       (f) *INITIAL PERIOD FOR STUDY AND CORRECTIVE AC-*  
4       *TION.*—The period from the date of the enactment of this  
5       Act until December 31, 1996, shall be available to the Office  
6       of the Architect of the Capitol and other employing offices  
7       to identify any violations of subsection (a), to determine  
8       the costs of compliance, and to take any necessary corrective  
9       action to abate any violations. The Office shall assist the  
10      Office of the Architect of the Capitol and other employing  
11      offices by arranging for inspections and other technical as-  
12      sistance at their request. Prior to July 1, 1996, the General  
13      Counsel shall conduct a thorough inspection under sub-  
14      section (e)(1) and shall submit the report under subsection  
15      (e)(2) for the 104th Congress.

16      (g) *EFFECTIVE DATE.*—

17              (1) *IN GENERAL.*—Except as provided in para-  
18      graph (2), subsections (a), (b), (c), and (e)(3) shall be  
19      effective on January 1, 1997.

20              (2) *GENERAL ACCOUNTING OFFICE AND LIBRARY*  
21      *OF CONGRESS.*—This section shall be effective with re-  
22      spect to the General Accounting Office and the Li-  
23      brary of Congress 1 year after transmission to the  
24      Congress of the study under section 230.

1       **PART D—LABOR-MANAGEMENT RELATIONS**

2       **SEC. 220. APPLICATION OF CHAPTER 71 OF TITLE 5, UNITED**  
3                   **STATES CODE, RELATING TO FEDERAL SERV-**  
4                   **ICE LABOR-MANAGEMENT RELATIONS; PRO-**  
5                   **CEDURES FOR REMEDY OF VIOLATIONS.**

6       (a) *LABOR-MANAGEMENT RIGHTS.*—

7           (1) *IN GENERAL.*—*The rights, protections, and*  
8           *responsibilities established under sections 7102, 7106,*  
9           *7111 through 7117, 7119 through 7122, and 7131 of*  
10          *title 5, United States Code, shall apply to employing*  
11          *offices and to covered employees and representatives of*  
12          *those employees.*

13          (2) *DEFINITION.*—*For purposes of the applica-*  
14          *tion under this section of the sections referred to in*  
15          *paragraph (1), the term “agency” shall be deemed to*  
16          *include an employing office.*

17       (b) *REMEDY.*—*The remedy for a violation of subsection*  
18       (a) *shall be such remedy, including a remedy under section*  
19       7118(a)(7) *of title 5, United States Code, as would be ap-*  
20       *propriate if awarded by the Federal Labor Relations Au-*  
21       *thority to remedy a violation of any provision made appli-*  
22       *cable by subsection (a).*

23       (c) *AUTHORITIES AND PROCEDURES FOR IMPLEMEN-*  
24       *TATION AND ENFORCEMENT.*—

25           (1) *GENERAL AUTHORITIES OF THE BOARD; PE-*  
26           *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, 7112, 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 shall refer any matter under*  
12 *this paragraph to a hearing officer for decision pur-*  
13 *suant to subsections (b) through (h) of section 405,*  
14 *subject to review by the Board pursuant to section*  
15 *406. The Board may direct that the General Counsel*  
16 *carry out the Board's investigative authorities under*  
17 *this paragraph.*

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

1        *sion that, under chapter 71 of title 5, United States*  
2        *Code, would be submitted to the General Counsel of*  
3        *the Federal Labor Relations Authority shall, if*  
4        *brought under this section, be submitted to the Gen-*  
5        *eral Counsel. If any person charges an employing of-*  
6        *fice or a labor organization with having engaged in*  
7        *or engaging in an unfair labor practice and makes*  
8        *such charge within 180 days of the occurrence of the*  
9        *alleged unfair labor practice, the General Counsel*  
10       *shall investigate the charge and may file a complaint*  
11       *with the Office. The complaint shall be submitted to*  
12       *a hearing officer for decision pursuant to subsections*  
13       *(b) through (h) of section 405, subject to review by the*  
14       *Board pursuant to section 406.*

15            (3) *JUDICIAL REVIEW.—Except for matters re-*  
16        *ferred to in paragraphs (1) and (2) of section 7123(a)*  
17        *of title 5, United States Code, the General Counsel or*  
18        *the respondent to the complaint, if aggrieved by a*  
19        *final decision of the Board under paragraphs (1) or*  
20        *(2) of this subsection, may file a petition for judicial*  
21        *review in the United States Court of Appeals for the*  
22        *Federal Circuit pursuant to section 407.*

23            (4) *EXERCISE OF IMPASSES PANEL AUTHORITY;*  
24        *REQUESTS.—For purposes of this section and except*  
25        *as otherwise provided in this section, the Board shall*

1     *exercise the authorities of the Federal Service Im-*  
2     *passes Panel under section 7119 of title 5, United*  
3     *States Code. For purposes of this section, any request*  
4     *that, under chapter 71 of title 5, United States Code,*  
5     *would be presented to the Federal Service Impasses*  
6     *Panel shall, if made under this section, be presented*  
7     *to the Board. At the request of the Board, the Execu-*  
8     *tive Director shall appoint a mediator or mediators*  
9     *to perform the functions of the Federal Service Im-*  
10    *passes Panel under section 7119 of title 5, United*  
11    *States Code.*

12    *(d) REGULATIONS TO IMPLEMENT SECTION.—*

13         *(1) IN GENERAL.—The Board shall, pursuant to*  
14         *section 304, issue regulations to implement this sec-*  
15         *tion.*

16         *(2) AGENCY REGULATIONS.—Except as provided*  
17         *in subsection (e), the regulations issued under para-*  
18         *graph (1) shall be the same as substantive regulations*  
19         *promulgated by the Federal Labor Relations Author-*  
20         *ity to implement the statutory provisions referred to*  
21         *in subsection (a) except—*

22                 *(A) to the extent that the Board may deter-*  
23                 *mine, for good cause shown and stated together*  
24                 *with the regulation, that a modification of such*  
25                 *regulations would be more effective for the imple-*

1           *mentation of the rights and protections under*  
2           *this section; or*

3                     *(B) as the Board deems necessary to avoid*  
4           *a conflict of interest or appearance of a conflict*  
5           *of interest.*

6           *(e) SPECIFIC REGULATIONS REGARDING APPLICATION*  
7           *TO CERTAIN OFFICES OF CONGRESS.—*

8                     *(1) REGULATIONS REQUIRED.—The Board shall*  
9           *issue regulations pursuant to section 304 on the man-*  
10          *ner and extent to which the requirements and exemp-*  
11          *tions of chapter 71 of title 5, United States Code,*  
12          *should apply to covered employees who are employed*  
13          *in the offices listed in paragraph (2). The regulations*  
14          *shall, to the greatest extent practicable, be consistent*  
15          *with the provisions and purposes of chapter 71 of title*  
16          *5, United States Code and of this Act, and shall be*  
17          *the same as substantive regulations issued by the Fed-*  
18          *eral Labor Relations Authority under such chapter,*  
19          *except—*

20                     *(A) to the extent that the Board may deter-*  
21          *mine, for good cause shown and stated together*  
22          *with the regulation, that a modification of such*  
23          *regulations would be more effective for the imple-*  
24          *mentation of the rights and protections under*  
25          *this section; and*

1           (B) that the Board shall exclude from cov-  
2 erage under this section any covered employees  
3 who are employed in offices listed in paragraph  
4 (2) if the Board determines that such exclusion  
5 is required because of—

6                   (i) a conflict of interest or appearance  
7 of a conflict of interest; or

8                   (ii) Congress' constitutional respon-  
9 sibilities.

10           (2) OFFICES REFERRED TO.—The offices referred  
11 to in paragraph (1) include—

12                   (A) the personal office of any Member of the  
13 House of Representatives or of any Senator;

14                   (B) a standing, select, special, permanent,  
15 temporary, or other committee of the Senate or  
16 House of Representatives, or a joint committee of  
17 Congress;

18                   (C) the Office of the Vice President (as  
19 President of the Senate), the Office of the Presi-  
20 dent pro tempore of the Senate, the Office of the  
21 Majority Leader of the Senate, the Office of the  
22 Minority Leader of the Senate, the Office of the  
23 Majority Whip of the Senate, the Office of the  
24 Minority Whip of the Senate, the Conference of  
25 the Majority of the Senate, the Conference of the

1           *Minority of the Senate, the Office of the Sec-*  
2           *retary of the Conference of the Majority of the*  
3           *Senate, the Office of the Secretary of the Con-*  
4           *ference of the Minority of the Senate, the Office*  
5           *of the Secretary for the Majority of the Senate,*  
6           *the Office of the Secretary for the Minority of the*  
7           *Senate, the Majority Policy Committee of the*  
8           *Senate, the Minority Policy Committee of the*  
9           *Senate, and the following offices within the Of-*  
10          *fice of the Secretary of the Senate: Offices of the*  
11          *Parliamentarian, Bill Clerk, Legislative Clerk,*  
12          *Journal Clerk, Executive Clerk, Enrolling Clerk,*  
13          *Official Reporters of Debate, Daily Digest,*  
14          *Printing Services, Captioning Services, and Sen-*  
15          *ate Chief Counsel for Employment;*

16                 *(D) the Office of the Speaker of the House*  
17          *of Representatives, the Office of the Majority*  
18          *Leader of the House of Representatives, the Office*  
19          *of the Minority Leader of the House of Rep-*  
20          *resentatives, the Offices of the Chief Deputy Ma-*  
21          *jority Whips, the Offices of the Chief Deputy Mi-*  
22          *nority Whips and the following offices within the*  
23          *Office of the Clerk of the House of Representa-*  
24          *tives: Offices of Legislative Operations, Official*  
25          *Reporters of Debate, Official Reporters to Com-*

1            *mittees, Printing Services, and Legislative Infor-*  
2            *mation;*

3            *(E) the Office of the Legislative Counsel of*  
4            *the Senate, the Office of the Senate Legal Coun-*  
5            *sel, the Office of the Legislative Counsel of the*  
6            *House of Representatives, the Office of the Gen-*  
7            *eral Counsel of the House of Representatives, the*  
8            *Office of the Parliamentarian of the House of*  
9            *Representatives, and the Office of the Law Revi-*  
10           *sion Counsel;*

11           *(F) the offices of any caucus or party orga-*  
12           *nization;*

13           *(G) the Congressional Budget Office, the Of-*  
14           *fice of Technology Assessment, and the Office of*  
15           *Compliance; and*

16           *(H) such other offices that perform com-*  
17           *parable functions which are identified under reg-*  
18           *ulations of the Board.*

19           *(f) EFFECTIVE DATE.—*

20           *(1) IN GENERAL.—Except as provided in para-*  
21           *graph (2), subsections (a) and (b) shall be effective on*  
22           *October 1, 1996.*

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



1     *tive or judicial proceeding to seek a remedy for the*  
2     *rights and protections afforded by this Act except as*  
3     *provided in this Act.*

4             (2) *VETERANS.*—*A covered employee under sec-*  
5     *tion 206 may also utilize any provisions of chapter*  
6     *43 of title 38, United States Code, that are applicable*  
7     *to that employee.*

8             (e) *SCOPE OF REMEDY.*—*Only a covered employee who*  
9     *has undertaken and completed the procedures described in*  
10    *sections 402 and 403 may be granted a remedy under part*  
11    *A of this title.*

12            (f) *CONSTRUCTION.*—

13               (1) *DEFINITIONS AND EXEMPTIONS.*—*Except*  
14     *where inconsistent with definitions and exemptions*  
15     *provided in this Act, the definitions and exemptions*  
16     *in the laws made applicable by this Act shall apply*  
17     *under this Act.*

18               (2) *SIZE LIMITATIONS.*—*Notwithstanding para-*  
19     *graph (1), provisions in the laws made applicable*  
20     *under this Act (other than the Worker Adjustment*  
21     *and Retraining Notification Act) determining cov-*  
22     *erage based on size, whether expressed in terms of*  
23     *numbers of employees, amount of business transacted,*  
24     *or other measure, shall not apply in determining cov-*  
25     *erage under this Act.*



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

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

7           (4) *The Family and Medical Leave Act of 1993*  
8 *(29 U.S.C. 2611 et seq.), and related provisions of sec-*  
9 *tions 6381 through 6387 of title 5, United States*  
10 *Code.*

11           (5) *The Fair Labor Standards Act of 1938 (29*  
12 *U.S.C. 201 et seq.), and related provisions of sections*  
13 *5541 through 5550a of title 5, United States Code.*

14           (6) *The Occupational Safety and Health Act of*  
15 *1970 (29 U.S.C. 651 et seq.), and related provisions*  
16 *of section 7902 of title 5, United States Code.*

17           (7) *The Rehabilitation Act of 1973 (29 U.S.C.*  
18 *701 et seq.).*

19           (8) *Chapter 71 (relating to Federal service labor-*  
20 *management relations) of title 5, United States Code.*

21           (9) *The General Accounting Office Personnel Act*  
22 *of 1980 (31 U.S.C. 731 et seq.).*

23           (10) *The Employee Polygraph Protection Act of*  
24 *1988 (29 U.S.C. 2001 et seq.).*

1           (11) *The Worker Adjustment and Retraining No-*  
2           *tification Act (29 U.S.C. 2101 et seq.).*

3           (12) *Chapter 43 (relating to veterans' employ-*  
4           *ment and reemployment) of title 38, United States*  
5           *Code.*

6           (c) *CONTENTS OF STUDY AND RECOMMENDATIONS.—*  
7           *The study under this section shall evaluate whether the*  
8           *rights, protections, and procedures, including administra-*  
9           *tive and judicial relief, applicable to the entities listed in*  
10          *paragraph (1) of subsection (a) and their employees are*  
11          *comprehensive and effective and shall include*  
12          *recommendations for any improvements in regulations or*  
13          *legislation, including proposed regulatory or legislative*  
14          *language.*

15          (d) *DEADLINE AND DELIVERY OF STUDY.—Not later*  
16          *than December 31, 1996—*

17                 (1) *the Administrative Conference of the United*  
18                 *States shall prepare and complete the study and rec-*  
19                 *ommendations required under this section and shall*  
20                 *submit the study and recommendations to the Board;*  
21                 *and*

22                 (2) *the Board shall transmit such study and rec-*  
23                 *ommendations (with the Board's comments) to the*  
24                 *head of each entity considered in the study, and to the*  
25                 *Congress by delivery to the Speaker of the House of*

1 *Representatives and President pro tempore of the*  
2 *Senate for referral to the appropriate committees of*  
3 *the House of Representatives and of the Senate.*

4 ***TITLE III—OFFICE OF***  
5 ***COMPLIANCE***

6 ***SEC. 301. ESTABLISHMENT OF OFFICE OF COMPLIANCE.***

7 *(a) ESTABLISHMENT.—There is established, as an*  
8 *independent office within the legislative branch of the Fed-*  
9 *eral Government, the Office of Compliance.*

10 *(b) BOARD OF DIRECTORS.—The Office shall have a*  
11 *Board of Directors. The Board shall consist of 5 individuals*  
12 *appointed jointly by the Speaker of the House of Represent-*  
13 *atives, the Majority Leader of the Senate, and the Minority*  
14 *Leaders of the House of Representatives and the Senate. Ap-*  
15 *pointments of the first 5 members of the Board shall be com-*  
16 *pleted not later than 90 days after the date of the enactment*  
17 *of this Act.*

18 *(c) CHAIR.—The Chair shall be appointed from mem-*  
19 *bers of the Board jointly by the Speaker of the House of*  
20 *Representatives, the Majority Leader of the Senate, and the*  
21 *Minority Leaders of the House of Representatives and the*  
22 *Senate.*

23 *(d) BOARD OF DIRECTORS QUALIFICATIONS.—*

24 *(1) SPECIFIC QUALIFICATIONS.—Selection and*  
25 *appointment of members of the Board shall be with-*

1        *out regard to political affiliation and solely on the*  
2        *basis of fitness to perform the duties of the Office.*  
3        *Members of the Board shall have training or experi-*  
4        *ence in the application of the rights, protections, and*  
5        *remedies under one or more of the laws made applica-*  
6        *ble under section 102.*

7            (2) *DISQUALIFICATIONS FOR APPOINTMENTS.—*

8            (A) *LOBBYING.—No individual who engages*  
9        *in, or is otherwise employed in, lobbying of the*  
10        *Congress and who is required under the Federal*  
11        *Regulation of Lobbying Act to register with the*  
12        *Clerk of the House of Representatives or the Sec-*  
13        *retary of the Senate shall be eligible for appoint-*  
14        *ment to, or service on, the Board.*

15            (B) *INCOMPATIBLE OFFICE.—No member of*  
16        *the Board appointed under subsection (b) may*  
17        *hold or may have held the position of Member of*  
18        *the House of Representatives or Senator, may*  
19        *hold the position of officer or employee of the*  
20        *House of Representatives, Senate, or instrumen-*  
21        *tality or other entity of the legislative branch, or*  
22        *may have held such a position (other than the*  
23        *position of an officer or employee of the General*  
24        *Accounting Office Personnel Appeals Board, an*  
25        *officer or employee of the Office of Fair Employ-*

1           *ment Practices of the House of Representatives,*  
2           *or officer or employee of the Office of Senate*  
3           *Fair Employment Practices) within 4 years of*  
4           *the date of appointment.*

5           (3) *VACANCIES.*—*A vacancy on the Board shall*  
6           *be filled in the manner in which the original appoint-*  
7           *ment was made.*

8           (e) *TERM OF OFFICE.*—

9           (1) *IN GENERAL.*—*Except as provided in para-*  
10          *graph (2), membership on the Board shall be for 5*  
11          *years. A member of the Board who is appointed to a*  
12          *term of office of more than 3 years shall only be eligi-*  
13          *ble for appointment for a single term of office.*

14          (2) *FIRST APPOINTMENTS.*—*Of the members first*  
15          *appointed to the Board—*

16                 (A) *1 shall have a term of office of 3 years,*

17                 (B) *2 shall have a term of office of 4 years,*

18                 *and*

19                 (C) *2 shall have a term of office of 5 years,*

20                 *1 of whom shall be the Chair,*

21                 *as designated at the time of appointment by the per-*  
22                 *sons specified in subsection (b).*

23          (f) *REMOVAL.*—

24                 (1) *AUTHORITY.*—*Any member of the Board may*  
25                 *be removed from office by a majority decision of the*

1 *appointing authorities described in subsection (b), but*  
2 *only for—*

3 *(A) disability that substantially prevents*  
4 *the member from carrying out the duties of the*  
5 *member,*

6 *(B) incompetence,*

7 *(C) neglect of duty,*

8 *(D) malfeasance, including a felony or con-*  
9 *duct involving moral turpitude, or*

10 *(E) holding an office or employment or en-*  
11 *gaging in an activity that disqualifies the indi-*  
12 *vidual from service as a member of the Board*  
13 *under subsection (d)(2).*

14 *(2) STATEMENT OF REASONS FOR REMOVAL.—In*  
15 *removing a member of the Board, the Speaker of the*  
16 *House of Representatives and the President pro tem-*  
17 *pore of the Senate shall state in writing to the mem-*  
18 *ber of the Board being removed the specific reasons for*  
19 *the removal.*

20 *(g) COMPENSATION.—*

21 *(1) PER DIEM.—Each member of the Board shall*  
22 *be compensated at a rate equal to the daily equivalent*  
23 *of the annual rate of basic pay prescribed for level V*  
24 *of the Executive Schedule under section 5316 of title*  
25 *5, United States Code, for each day (including travel*

1     *time) during which such member is engaged in the*  
2     *performance of the duties of the Board. The rate of*  
3     *pay of a member may be prorated based on the por-*  
4     *tion of the day during which the member is engaged*  
5     *in the performance of Board duties.*

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

14    (i) *DUTIES.—The Office shall—*

15             (1) *carry out a program of education for Mem-*  
16    *bers of Congress and other employing authorities of*  
17    *the legislative branch of the Federal Government re-*  
18    *specting the laws made applicable to them and a pro-*  
19    *gram to inform individuals of their rights under laws*  
20    *applicable to the legislative branch of the Federal*  
21    *Government;*

22             (2) *in carrying out the program under para-*  
23    *graph (1), distribute the telephone number and ad-*  
24    *dress of the Office, procedures for action under title*  
25    *IV, and any other information appropriate for dis-*

1        *tribution, distribute such information to employing*  
2        *offices in a manner suitable for posting, provide such*  
3        *information to new employees of employing offices,*  
4        *distribute such information to the residences of cov-*  
5        *ered employees, and conduct seminars and other ac-*  
6        *tivities designed to educate employing offices and cov-*  
7        *ered employees; and*

8            *(3) compile and publish statistics on the use of*  
9        *the Office by covered employees, including the number*  
10       *and type of contacts made with the Office, on the rea-*  
11       *son for such contacts, on the number of covered em-*  
12       *ployees who initiated proceedings with the Office*  
13       *under this Act and the result of such proceedings, and*  
14       *on the number of covered employees who filed a com-*  
15       *plaint, the basis for the complaint, and the action*  
16       *taken on the complaint.*

17       *(i) CONGRESSIONAL OVERSIGHT.—The Board and the*  
18       *Office shall be subject to oversight (except with respect to*  
19       *the disposition of individual cases) by the Committee on*  
20       *Rules and Administration and the Committee on Govern-*  
21       *mental Affairs of the Senate and the Committee on House*  
22       *Oversight of the House of Representatives.*

23       *(j) OPENING OF OFFICE.—The Office shall be open for*  
24       *business, including receipt of requests for counseling under*

1 *section 402, not later than 1 year after the date of the enact-*  
2 *ment of this Act.*

3 *(k) FINANCIAL DISCLOSURE REPORTS.—Members of*  
4 *the Board and officers and employees of the Office shall file*  
5 *the financial disclosure reports required under title I of the*  
6 *Ethics in Government Act of 1978 with the Clerk of the*  
7 *House of Representatives.*

8 **SEC. 302. OFFICERS, STAFF, AND OTHER PERSONNEL.**

9 *(a) EXECUTIVE DIRECTOR.—*

10 *(1) APPOINTMENT AND REMOVAL.—*

11 *(A) IN GENERAL.—The Chair, subject to the*  
12 *approval of the Board, shall appoint and may*  
13 *remove an Executive Director. Selection and ap-*  
14 *pointment of the Executive Director shall be*  
15 *without regard to political affiliation and solely*  
16 *on the basis of fitness to perform the duties of the*  
17 *Office. The first Executive Director shall be ap-*  
18 *pointed no later than 90 days after the initial*  
19 *appointment of the Board of Directors.*

20 *(B) QUALIFICATIONS.—The Executive Di-*  
21 *rector shall be an individual with training or ex-*  
22 *pertise in the application of laws referred to in*  
23 *section 102(a).*

1           (C) *DISQUALIFICATIONS.*—The disqualifica-  
2           tions in section 301(d)(2) shall apply to the ap-  
3           pointment of the Executive Director.

4           (2) *COMPENSATION.*—The Chair may fix the  
5           compensation of the Executive Director. The rate of  
6           pay for the Executive Director may not exceed the an-  
7           nual rate of basic pay prescribed for level V of the Ex-  
8           ecutive Schedule under section 5316 of title 5, United  
9           States Code.

10          (3) *TERM.*—The term of office of the Executive  
11          Director shall be a single term of 5 years, except that  
12          the first Executive Director shall have a single term  
13          of 7 years.

14          (4) *DUTIES.*—The Executive Director shall serve  
15          as the chief operating officer of the Office. Except as  
16          otherwise specified in this Act, the Executive Director  
17          shall carry out all of the responsibilities of the Office  
18          under this Act.

19          (b) *DEPUTY EXECUTIVE DIRECTORS.*—

20          (1) *IN GENERAL.*—The Chair, subject to the ap-  
21          proval of the Board, shall appoint and may remove  
22          a Deputy Executive Director for the Senate and a  
23          Deputy Executive Director for the House of Rep-  
24          resentatives. Selection and appointment of a Deputy  
25          Executive Director shall be without regard to political

1 *affiliation and solely on the basis of fitness to perform*  
2 *the duties of the office. The disqualifications in sec-*  
3 *tion 301(d)(2) shall apply to the appointment of a*  
4 *Deputy Executive Director.*

5 (2) *TERM.—The term of office of a Deputy Exec-*  
6 *utive Director shall be a single term of 5 years, except*  
7 *that the first Deputy Executive Directors shall have*  
8 *a single term of 6 years.*

9 (3) *COMPENSATION.—The Chair may fix the*  
10 *compensation of the Deputy Executive Directors. The*  
11 *rate of pay for a Deputy Executive Director may not*  
12 *exceed 96 percent of the annual rate of basic pay pre-*  
13 *scribed for level V of the Executive Schedule under*  
14 *section 5316 of title 5, United States Code.*

15 (4) *DUTIES.—The Deputy Executive Director for*  
16 *the Senate shall recommend to the Board regulations*  
17 *under section 304(a)(2)(B)(i), maintain the regula-*  
18 *tions and all records pertaining to the regulations,*  
19 *and shall assume such other responsibilities as may*  
20 *be delegated by the Executive Director. The Deputy*  
21 *Executive Director for the House of Representatives*  
22 *shall recommend to the Board the regulations under*  
23 *section 304(a)(2)(B)(ii), maintain the regulations*  
24 *and all records pertaining to the regulations, and*

1 *shall assume such other responsibilities as may be del-*  
2 *egated by the Executive Director.*

3 *(c) GENERAL COUNSEL.—*

4 *(1) IN GENERAL.—The Chair, subject to the ap-*  
5 *proval of the Board, shall appoint a General Counsel.*  
6 *Selection and appointment of the General Counsel*  
7 *shall be without regard to political affiliation and*  
8 *solely on the basis of fitness to perform the duties of*  
9 *the Office. The disqualifications in section 301(d)(2)*  
10 *shall apply to the appointment of a General Counsel.*

11 *(2) COMPENSATION.—The Chair may fix the*  
12 *compensation of the General Counsel. The rate of pay*  
13 *for the General Counsel may not exceed the annual*  
14 *rate of basic pay prescribed for level V of the Execu-*  
15 *tive Schedule under section 5316 of title 5, United*  
16 *States Code.*

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

18 *(A) exercise the authorities and perform the*  
19 *duties of the General Counsel as specified in this*  
20 *Act; and*

21 *(B) otherwise assist the Board and the Ex-*  
22 *ecutive Director in carrying out their duties and*  
23 *powers, including representing the Office in any*  
24 *judicial proceeding under this Act.*

1           (4) *ATTORNEYS IN THE OFFICE OF THE GEN-*  
2           *ERAL COUNSEL.*—*The General Counsel shall appoint,*  
3           *and fix the compensation of, and may remove, such*  
4           *additional attorneys as may be necessary to enable*  
5           *the General Counsel to perform the General Counsel's*  
6           *duties.*

7           (5) *TERM.*—*The term of office of the General*  
8           *Counsel shall be a single term of 5 years.*

9           (6) *REMOVAL.*—

10           (A) *AUTHORITY.*—*The General Counsel*  
11           *may be removed from office by the Chair but*  
12           *only for—*

13                   (i) *disability that substantially pre-*  
14                   *vents the General Counsel from carrying out*  
15                   *the duties of the General Counsel,*

16                   (ii) *incompetence,*

17                   (iii) *neglect of duty,*

18                   (iv) *malfeasance, including a felony or*  
19                   *conduct involving moral turpitude, or*

20                   (v) *holding an office or employment or*  
21                   *engaging in an activity that disqualifies the*  
22                   *individual from service as the General*  
23                   *Counsel under paragraph (1).*

24           (B) *STATEMENT OF REASONS FOR RE-*  
25           *MOVAL.*—*In removing the General Counsel, the*

1            *Speaker of the House of Representatives and the*  
2            *President pro tempore of the Senate shall state*  
3            *in writing to the General Counsel the specific*  
4            *reasons for the removal.*

5            *(d) OTHER STAFF.—The Executive Director shall ap-*  
6            *point, and fix the compensation of, and may remove, such*  
7            *other additional staff, including hearing officers, but not*  
8            *including attorneys employed in the office of the General*  
9            *Counsel, as may be necessary to enable the Office to perform*  
10           *its duties.*

11           *(e) DETAILED PERSONNEL.—The Executive Director*  
12           *may, with the prior consent of the department or agency*  
13           *of the Federal Government concerned, use on a reimbursable*  
14           *or nonreimbursable basis the services of personnel of any*  
15           *such department or agency, including the services of mem-*  
16           *bers or personnel of the General Accounting Office Personnel*  
17           *Appeals Board.*

18           *(f) CONSULTANTS.—In carrying out the functions of*  
19           *the Office, the Executive Director may procure the tem-*  
20           *porary (not to exceed 1 year) or intermittent services of con-*  
21           *sultants.*

22           **SEC. 303. PROCEDURAL RULES.**

23           *(a) IN GENERAL.—The Executive Director shall, sub-*  
24           *ject to the approval of the Board, adopt rules governing the*  
25           *procedures of the Office, including the procedures of hearing*

1 *officers, which shall be submitted for publication in the Con-*  
2 *gressional Record. The rules may be amended in the same*  
3 *manner.*

4       **(b) PROCEDURE.**—*The Executive Director shall adopt*  
5 *rules referred to in subsection (a) in accordance with the*  
6 *principles and procedures set forth in section 553 of title*  
7 *5, United States Code. The Executive Director shall publish*  
8 *a general notice of proposed rulemaking under section*  
9 *553(b) of title 5, United States Code, but, instead of publi-*  
10 *cation of a general notice of proposed rulemaking in the*  
11 *Federal Register, the Executive Director shall transmit such*  
12 *notice to the Speaker of the House of Representatives and*  
13 *the President pro tempore of the Senate for publication in*  
14 *the Congressional Record on the first day on which both*  
15 *Houses are in session following such transmittal. Before*  
16 *adopting rules, the Executive Director shall provide a com-*  
17 *ment period of at least 30 days after publication of a gen-*  
18 *eral notice of proposed rulemaking. Upon adopting rules,*  
19 *the Executive Director shall transmit notice of such action*  
20 *together with a copy of such rules to the Speaker of the*  
21 *House of Representatives and the President pro tempore of*  
22 *the Senate for publication in the Congressional Record on*  
23 *the first day on which both Houses are in session following*  
24 *such transmittal. Rules shall be considered issued by the*

1 *Executive Director as of the date on which they are pub-*  
2 *lished in the Congressional Record.*

3 **SEC. 304. SUBSTANTIVE REGULATIONS.**

4 (a) *REGULATIONS.*—

5 (1) *IN GENERAL.*—*The procedures applicable to*  
6 *the regulations of the Board issued for the implemen-*  
7 *tation of this Act, which shall include regulations the*  
8 *Board is required to issue under title II (including*  
9 *regulations on the appropriate application of exemp-*  
10 *tions under the laws made applicable in title II) are*  
11 *as prescribed in this section.*

12 (2) *RULEMAKING PROCEDURE.*—*Such regula-*  
13 *tions of the Board—*

14 (A) *shall be adopted, approved, and issued*  
15 *in accordance with subsection (b); and*

16 (B) *shall consist of 3 separate bodies of reg-*  
17 *ulations, which shall apply, respectively, to—*

18 (i) *the Senate and employees of the*  
19 *Senate;*

20 (ii) *the House of Representatives and*  
21 *employees of the House of Representatives;*  
22 *and*

23 (iii) *all other covered employees and*  
24 *employing offices.*

1       (b) *ADOPTION BY THE BOARD.*—The Board shall adopt  
2 the regulations referred to in subsection (a)(1) in accord-  
3 ance with the principles and procedures set forth in section  
4 553 of title 5, United States Code, and as provided in the  
5 following provisions of this subsection:

6           (1) *PROPOSAL.*—The Board shall publish a gen-  
7 eral notice of proposed rulemaking under section  
8 553(b) of title 5, United States Code, but, instead of  
9 publication of a general notice of proposed rule-  
10 making in the Federal Register, the Board shall  
11 transmit such notice to the Speaker of the House of  
12 Representatives and the President pro tempore of the  
13 Senate for publication in the Congressional Record on  
14 the first day on which both Houses are in session fol-  
15 lowing such transmittal. Such notice shall set forth  
16 the recommendations of the Deputy Director for the  
17 Senate in regard to regulations under subsection  
18 (a)(2)(B)(i), the recommendations of the Deputy Di-  
19 rector for the House of Representatives in regard to  
20 regulations under subsection (a)(2)(B)(ii), and the  
21 recommendations of the Executive Director for regula-  
22 tions under subsection (a)(2)(B)(iii).

23           (2) *COMMENT.*—Before adopting regulations, the  
24 Board shall provide a comment period of at least 30

1       *days after publication of a general notice of proposed*  
2       *rulemaking.*

3               (3) *ADOPTION.*—*After considering comments, the*  
4       *Board shall adopt regulations and shall transmit no-*  
5       *tice of such action together with a copy of such regu-*  
6       *lations to the Speaker of the House of Representatives*  
7       *and the President pro tempore of the Senate for publi-*  
8       *cation in the Congressional Record on the first day*  
9       *on which both Houses are in session following such*  
10       *transmittal.*

11              (4) *RECOMMENDATION AS TO METHOD OF AP-*  
12       *PROVAL.*—*The Board shall include a recommendation*  
13       *in the general notice of proposed rulemaking and in*  
14       *the regulations as to whether the regulations should be*  
15       *approved by resolution of the Senate, by resolution of*  
16       *the House of Representatives, by concurrent resolu-*  
17       *tion, or by joint resolution.*

18              (c) *APPROVAL OF REGULATIONS.*—

19              (1) *IN GENERAL.*—*Regulations referred to in*  
20       *paragraph (2)(B)(i) of subsection (a) may be ap-*  
21       *proved by the Senate by resolution or by the Congress*  
22       *by concurrent resolution or by joint resolution. Regu-*  
23       *lations referred to in paragraph (2)(B)(ii) of sub-*  
24       *section (a) may be approved by the House of Rep-*  
25       *resentatives by resolution or by the Congress by con-*

1 *current resolution or by joint resolution. Regulations*  
2 *referred to in paragraph (2)(B)(iii) may be approved*  
3 *by Congress by concurrent resolution or by joint reso-*  
4 *lution.*

5 *(2) REFERRAL.—Upon receipt of a notice of*  
6 *adoption of regulations under subsection (b)(3), the*  
7 *presiding officers of the House of Representatives and*  
8 *the Senate shall refer such notice, together with a*  
9 *copy of such regulations, to the appropriate commit-*  
10 *tee or committees of the House of Representatives and*  
11 *of the Senate. The purpose of the referral shall be to*  
12 *consider whether such regulations should be approved,*  
13 *and, if so, whether such approval should be by resolu-*  
14 *tion of the House of Representatives or of the Senate,*  
15 *by concurrent resolution or by joint resolution.*

16 *(3) JOINT REFERRAL AND DISCHARGE IN THE*  
17 *SENATE.—The presiding officer of the Senate may*  
18 *refer the notice of issuance of regulations, or any reso-*  
19 *lution of approval of regulations, to one committee or*  
20 *jointly to more than one committee. If a committee of*  
21 *the Senate acts to report a jointly referred measure,*  
22 *any other committee of the Senate must act within 30*  
23 *calendar days of continuous session, or be automati-*  
24 *cally discharged.*

1           (4) *ONE-HOUSE RESOLUTION OR CONCURRENT*  
2           *RESOLUTION.*—*In the case of a resolution of the*  
3           *House of Representatives or the Senate or a concur-*  
4           *rent resolution referred to in paragraph (1), the mat-*  
5           *ter after the resolving clause shall be the following:*  
6           *“The following regulations issued by the Office of*  
7           *Compliance on \_\_\_\_ are hereby approved:” (the blank*  
8           *space being appropriately filled in, and the text of the*  
9           *regulations being set forth).*

10           (5) *JOINT RESOLUTION.*—*In the case of a joint*  
11           *resolution referred to in paragraph (1), the matter*  
12           *after the resolving clause shall be the following: “The*  
13           *following regulations issued by the Office of Compli-*  
14           *ance on \_\_\_\_ are hereby approved and shall have the*  
15           *force and effect of law:” (the blank space being appro-*  
16           *priately filled in, and the text of the regulations being*  
17           *set forth).*

18           (d) *ISSUANCE AND EFFECTIVE DATE.*—

19           (1) *PUBLICATION.*—*After approval of regulations*  
20           *under subsection (c), the Board shall submit the regu-*  
21           *lations to the Speaker of the House of Representatives*  
22           *and the President pro tempore of the Senate for publi-*  
23           *cation in the Congressional Record on the first day*  
24           *on which both Houses are in session following such*  
25           *transmittal.*

1           (2) *DATE OF ISSUANCE.*—The date of issuance of  
2           regulations shall be the date on which they are pub-  
3           lished in the Congressional Record under paragraph  
4           (1).

5           (3) *EFFECTIVE DATE.*—Regulations shall become  
6           effective not less than 60 days after the regulations  
7           are issued, except that the Board may provide for an  
8           earlier effective date for good cause found (within the  
9           meaning of section 553(d)(3) of title 5, United States  
10          Code) and published with the regulation.

11          (e) *AMENDMENT OF REGULATIONS.*—Regulations may  
12          be amended in the same manner as is described in this sec-  
13          tion for the adoption, approval, and issuance of regulations,  
14          except that the Board may, in its discretion, dispense with  
15          publication of a general notice of proposed rulemaking of  
16          minor, technical, or urgent amendments that satisfy the cri-  
17          teria for dispensing with publication of such notice pursu-  
18          ant to section 553(b)(B) of title 5, United States Code.

19          (f) *RIGHT TO PETITION FOR RULEMAKING.*—Any in-  
20          terested party may petition to the Board for the issuance,  
21          amendment, or repeal of a regulation.

22          (g) *CONSULTATION.*—The Executive Director, the Dep-  
23          uty Directors, and the Board—

24                  (1) shall consult, with regard to the development  
25          of regulations, with—

1           (A) *the Chair of the Administrative Con-*  
2           *ference of the United States;*

3           (B) *the Secretary of Labor;*

4           (C) *the Federal Labor Relations Authority;*  
5           *and*

6           (D) *the Director of the Office of Personnel*  
7           *Management; and*

8           (2) *may consult with any other persons with*  
9           *whom consultation, in the opinion of the Board, the*  
10          *Executive Director, or Deputy Directors, may be help-*  
11          *ful.*

12   **SEC. 305. EXPENSES.**

13          (a) *AUTHORIZATION OF APPROPRIATIONS.—Begin-*  
14          *ning in fiscal year 1995, and for each fiscal year thereafter,*  
15          *there are authorized to be appropriated for the expenses of*  
16          *the Office such sums as may be necessary to carry out the*  
17          *functions of the Office. Until sums are first appropriated*  
18          *pursuant to the preceding sentence, but for a period not*  
19          *exceeding 12 months following the date of the enactment of*  
20          *this Act—*

21                 (1) *one-half of the expenses of the Office shall be*  
22                 *paid from funds appropriated for allowances and ex-*  
23                 *penses of the House of Representatives, and*

1           (2) *one-half of the expenses of the Office shall be*  
2           *paid from funds appropriated for allowances and ex-*  
3           *penses of the Senate,*  
4           *upon vouchers approved by the Executive Director, except*  
5           *that a voucher shall not be required for the disbursement*  
6           *of salaries of employees who are paid at an annual rate.*  
7           *The Clerk of the House of Representatives and the Secretary*  
8           *of the Senate are authorized to make arrangements for the*  
9           *division of expenses under this subsection, including ar-*  
10          *rangements for one House of Congress to reimburse the other*  
11          *House of Congress.*

12          (b) *FINANCIAL AND ADMINISTRATIVE SERVICES.*—*The*  
13          *Executive Director may place orders and enter into agree-*  
14          *ments for goods and services with the head of any agency,*  
15          *or major organizational unit within an agency, in the legis-*  
16          *lative or executive branch of the United States in the same*  
17          *manner and to the same extent as agencies are authorized*  
18          *under sections 1535 and 1536 of title 31, United States*  
19          *Code, to place orders and enter into agreements.*

20          (c) *WITNESS FEES AND ALLOWANCES.*—*Except for*  
21          *covered employees, witnesses before a hearing officer or the*  
22          *Board in any proceeding under this Act other than rule-*  
23          *making shall be paid the same fee and mileage allowances*  
24          *as are paid subpoenaed witnesses in the courts of the United*  
25          *States. Covered employees who are summoned, or are as-*

1 *signed by their employer, to testify in their official capacity*  
2 *or to produce official records in any proceeding under this*  
3 *Act shall be entitled to travel expenses under subchapter I*  
4 *and section 5751 of chapter 57 of title 5, United States*  
5 *Code.*

6 **TITLE IV—ADMINISTRATIVE AND**  
7 **JUDICIAL DISPUTE-RESOLU-**  
8 **TION PROCEDURES**

9 **SEC. 401. PROCEDURE FOR CONSIDERATION OF ALLEGED**  
10 **VIOLATIONS.**

11 *Except as otherwise provided, the procedure for consid-*  
12 *eration of alleged violations of part A of title II consists*  
13 *of—*

14 *(1) counseling as provided in section 402;*

15 *(2) mediation as provided in section 403; and*

16 *(3) election, as provided in section 404, of ei-*  
17 *ther—*

18 *(A) a formal complaint and hearing as pro-*  
19 *vided in section 405, subject to Board review as*  
20 *provided in section 406, and judicial review in*  
21 *the United States Court of Appeals for the Fed-*  
22 *eral Circuit as provided in section 407, or*

23 *(B) a civil action in a district court of the*  
24 *United States as provided in section 408.*

1 *In the case of an employee of the Office of the Architect*  
2 *of the Capitol or of the Capitol Police, the Executive Direc-*  
3 *tor, after receiving a request for counseling under section*  
4 *402, may recommend that the employee use the grievance*  
5 *procedures of the Architect of the Capitol or the Capitol Po-*  
6 *lice for resolution of the employee's grievance for a specific*  
7 *period of time, which shall not count against the time avail-*  
8 *able for counseling or mediation.*

9 **SEC. 402. COUNSELING.**

10 (a) *IN GENERAL.*—*To commence a proceeding, a cov-*  
11 *ered employee alleging a violation of a law made applicable*  
12 *under part A of title II shall request counseling by the Of-*  
13 *fice. The Office shall provide the employee with all relevant*  
14 *information with respect to the rights of the employee. A*  
15 *request for counseling shall be made not later than 180 days*  
16 *after the date of the alleged violation.*

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

21 (c) *NOTIFICATION OF END OF COUNSELING PERIOD.*—  
22 *The Office shall notify the employee in writing when the*  
23 *counseling period has ended.*

1 **SEC. 403. MEDIATION.**

2 (a) *INITIATION.*—Not later than 15 days after receipt  
3 by the employee of notice of the end of the counseling period  
4 under section 402, but prior to and as a condition of mak-  
5 ing an election under section 404, the covered employee who  
6 alleged a violation of a law shall file a request for mediation  
7 with the Office.

8 (b) *PROCESS.*—Mediation under this section—

9 (1) may include the Office, the covered employee,  
10 the employing office, and one or more individuals ap-  
11 pointed by the Executive Director after considering  
12 recommendations by organizations composed pri-  
13 marily of individuals experienced in adjudicating or  
14 arbitrating personnel matters, and

15 (2) shall involve meetings with the parties sepa-  
16 rately or jointly for the purpose of resolving the dis-  
17 pute between the covered employee and the employing  
18 office.

19 (c) *MEDIATION PERIOD.*—The mediation period shall  
20 be 30 days beginning on the date the request for mediation  
21 is received. The mediation period may be extended for addi-  
22 tional periods at the joint request of the covered employee  
23 and the employing office. The Office shall notify in writing  
24 the covered employee and the employing office when the me-  
25 diation period has ended.

1           (d) *INDEPENDENCE OF MEDIATION PROCESS.*—No in-  
2   dividual, who is appointed by the Executive Director to me-  
3   diate, may conduct or aid in a hearing conducted under  
4   section 405 with respect to the same matter or shall be sub-  
5   ject to subpoena or any other compulsory process with re-  
6   spect to the same matter.

7   **SEC. 404. ELECTION OF PROCEEDING.**

8           Not later than 90 days after a covered employee re-  
9   ceives notice of the end of the period of mediation, but no  
10   sooner than 30 days after receipt of such notification, such  
11   covered employee may either—

12           (1) file a complaint with the Office in accord-  
13   ance with section 405, or

14           (2) file a civil action in accordance with section  
15   408 in the United States district court for the district  
16   in which the employee is employed or for the District  
17   of Columbia.

18   **SEC. 405. COMPLAINT AND HEARING.**

19           (a) *IN GENERAL.*—A covered employee may, upon the  
20   completion of mediation under section 403, file a complaint  
21   with the Office. The respondent to the complaint shall be  
22   the employing office—

23           (1) involved in the violation, or

24           (2) in which the violation is alleged to have oc-  
25   curred,

1 *and about which mediation was conducted.*

2 (b) *DISMISSAL.*—A hearing officer may dismiss any  
3 claim that the hearing officer finds to be frivolous or that  
4 fails to state a claim upon which relief may be granted.

5 (c) *HEARING OFFICER.*—

6 (1) *APPOINTMENT.*—Upon the filing of a com-  
7 plaint, the Executive Director shall appoint an inde-  
8 pendent hearing officer to consider the complaint and  
9 render a decision. No Member of the House of Rep-  
10 resentatives, Senator, officer of either the House of  
11 Representatives or the Senate, head of an employing  
12 office, member of the Board, or covered employee may  
13 be appointed to be a hearing officer. The Executive  
14 Director shall select hearing officers on a rotational  
15 or random basis from the lists developed under para-  
16 graph (2). Nothing in this section shall prevent the  
17 appointment of hearing officers as full-time employees  
18 of the Office or the selection of hearing officers on the  
19 basis of specialized expertise needed for particular  
20 matters.

21 (2) *LISTS.*—The Executive Director shall develop  
22 master lists, composed of—

23 (A) members of the bar of a State or the  
24 District of Columbia and retired judges of the  
25 United States courts who are experienced in ad-

1           *judicating or arbitrating the kinds of personnel*  
2           *and other matters for which hearings may be*  
3           *held under this Act, and*

4                   *(B) individuals expert in technical matters*  
5           *relating to accessibility and usability by persons*  
6           *with disabilities or technical matters relating to*  
7           *occupational safety and health.*

8           *In developing lists, the Executive Director shall con-*  
9           *sider candidates recommended by the Federal Medi-*  
10          *ation and Conciliation Service or the Administrative*  
11          *Conference of the United States.*

12          *(d) HEARING.—Unless a complaint is dismissed before*  
13          *a hearing, a hearing shall be—*

14                   *(1) conducted in closed session on the record by*  
15           *the hearing officer;*

16                   *(2) commenced no later than 60 days after filing*  
17           *of the complaint under subsection (a), except that the*  
18           *Office may, for good cause, extend up to an addi-*  
19           *tional 30 days the time for commencing a hearing;*  
20           *and*

21                   *(3) conducted, except as specifically provided in*  
22           *this Act and to the greatest extent practicable, in ac-*  
23           *cordance with the principles and procedures set forth*  
24           *in sections 554 through 557 of title 5, United States*  
25           *Code.*

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

3       (f) *SUBPOENAS.*—

4           (1) *IN GENERAL.*—At the request of a party, a  
5 hearing officer may issue subpoenas for the attend-  
6 ance of witnesses and for the production of cor-  
7 respondence, books, papers, documents, and other  
8 records. The attendance of witnesses and the produc-  
9 tion of records may be required from any place with-  
10 in the United States. Subpoenas shall be served in the  
11 manner provided under rule 45(b) of the Federal  
12 Rules of Civil Procedure.

13           (2) *OBJECTIONS.*—If a person refuses, on the  
14 basis of relevance, privilege, or other objection, to tes-  
15 tify in response to a question or to produce records  
16 in connection with a proceeding before a hearing offi-  
17 cer, the hearing officer shall rule on the objection. At  
18 the request of the witness or any party, the hearing  
19 officer shall (or on the hearing officer's own initiative,  
20 the hearing officer may) refer the ruling to the Board  
21 for review.

22           (3) *ENFORCEMENT.*—

23           (A) *IN GENERAL.*—If a person fails to com-  
24 ply with a subpoena, the Board may authorize  
25 the General Counsel to apply, in the name of the

1           Office, to an appropriate United States district  
2           court for an order requiring that person to ap-  
3           pear before the hearing officer to give testimony  
4           or produce records. The application may be  
5           made within the judicial district where the hear-  
6           ing is conducted or where that person is found,  
7           resides, or transacts business. Any failure to obey  
8           a lawful order of the district court issued pursu-  
9           ant to this section may be held by such court to  
10          be a civil contempt thereof.

11           (B) *SERVICE OF PROCESS.*—Process in an  
12          action or contempt proceeding pursuant to sub-  
13          paragraph (A) may be served in any judicial  
14          district in which the person refusing or failing  
15          to comply, or threatening to refuse or not to com-  
16          ply, resides, transacts business, or may be found,  
17          and subpoenas for witnesses who are required to  
18          attend such proceedings may run into any other  
19          district.

20          (g) *DECISION.*—The hearing officer shall issue a writ-  
21          ten decision as expeditiously as possible, but in no case  
22          more than 90 days after the conclusion of the hearing. The  
23          written decision shall be transmitted by the Office to the  
24          parties. The decision shall state the issues raised in the com-  
25          plaint, describe the evidence in the record, contain findings

1 *of fact and conclusions of law, contain a determination of*  
2 *whether a violation has occurred, and order such remedies*  
3 *as are appropriate pursuant to title II. The decision shall*  
4 *be entered in the records of the Office. If a decision is not*  
5 *appealed under section 406 to the Board, the decision shall*  
6 *be considered the final decision of the Office.*

7 *(h) PRECEDENTS.—A hearing officer who conducts a*  
8 *hearing under this section shall be guided by judicial deci-*  
9 *sions under the laws made applicable by section 102 and*  
10 *by Board decisions under this Act.*

11 **SEC. 406. APPEAL TO THE BOARD.**

12 *(a) IN GENERAL.—Any party aggrieved by the deci-*  
13 *sion of a hearing officer under section 405(g) may file a*  
14 *petition for review by the Board not later than 30 days*  
15 *after entry of the decision in the records of the Office.*

16 *(b) PARTIES' OPPORTUNITY TO SUBMIT ARGUMENT.—*  
17 *The parties to the hearing upon which the decision of the*  
18 *hearing officer was made shall have a reasonable oppor-*  
19 *tunity to be heard, through written submission and, in the*  
20 *discretion of the Board, through oral argument.*

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

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



1           (B) a charging individual or a respondent  
2 before the Board who files a petition under sec-  
3 tion 210(d)(4),

4           (C) the General Counsel or a respondent be-  
5 fore the Board who files a petition under section  
6 215(c)(5), or

7           (D) the General Counsel or a respondent be-  
8 fore the Board who files a petition under section  
9 220(c)(3).

10       The court of appeals shall have exclusive jurisdiction  
11 to set aside, suspend (in whole or in part), to deter-  
12 mine the validity of, or otherwise review the decision  
13 of the Board.

14           (2) ENFORCEMENT.—The United States Court of  
15 Appeals for the Federal Circuit shall have jurisdiction  
16 over any petition of the General Counsel, filed in the  
17 name of the Office and at the direction of the Board,  
18 to enforce a final decision under section 405(g) or  
19 406(e) with respect to a violation of part A, B, C, or  
20 D of title II.

21       (b) PROCEDURES.—

22           (1) RESPONDENTS.—(A) In any proceeding com-  
23 menced by a petition filed under subsection (a)(1) (A)  
24 or (B), or filed by a party other than the General  
25 Counsel under subsection (a)(1) (C) or (D), the Office

1     *shall be named respondent and any party before the*  
2     *Board may be named respondent by filing a notice of*  
3     *election with the court within 30 days after service of*  
4     *the petition.*

5             *(B) In any proceeding commenced by a petition*  
6     *filed by the General Counsel under subsection (a)(1)*  
7     *(C) or (D), the prevailing party in the final decision*  
8     *entered under section 406(e) shall be named respond-*  
9     *ent, and any other party before the Board may be*  
10    *named respondent by filing a notice of election with*  
11    *the court within 30 days after service of the petition.*

12            *(C) In any proceeding commenced by a petition*  
13    *filed under subsection (a)(2), the party under section*  
14    *405 or 406 that the General Counsel determines has*  
15    *failed to comply with a final decision under section*  
16    *405(g) or 406(e) shall be named respondent.*

17            *(2) INTERVENTION.—Any party that partici-*  
18    *ipated in the proceedings before the Board under sec-*  
19    *tion 406 and that was not made respondent under*  
20    *paragraph (1) may intervene as of right.*

21            *(c) LAW APPLICABLE.—Chapter 158 of title 28, United*  
22    *States Code, shall apply to judicial review under paragraph*  
23    *(1) of subsection (a), except that—*

24            *(1) with respect to section 2344 of title 28, Unit-*  
25    *ed States Code, service of a petition in any proceed-*

1     *ing in which the Office is a respondent shall be on*  
2     *the General Counsel rather than on the Attorney Gen-*  
3     *eral;*

4             *(2) the provisions of section 2348 of title 28,*  
5     *United States Code, on the authority of the Attorney*  
6     *General, shall not apply;*

7             *(3) the petition for review shall be filed not later*  
8     *than 90 days after the entry in the Office of a final*  
9     *decision under section 406(e); and*

10            *(4) the Office shall be an “agency” as that term*  
11     *is used in chapter 158 of title 28, United States Code.*

12     *(d) STANDARD OF REVIEW.—To the extent necessary*  
13     *for decision in a proceeding commenced under subsection*  
14     *(a)(1) and when presented, the court shall decide all rel-*  
15     *evant questions of law and interpret constitutional and*  
16     *statutory provisions. The court shall set aside a final deci-*  
17     *sion of the Board if it is determined that the decision was—*

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) unsupported by substantial evidence.*

23     *(e) RECORD.—In making determinations under sub-*  
24     *section (d), the court shall review the whole record, or those*

1 parts of it cited by a party, and due account shall be taken  
2 of the rule of prejudicial error.

3 **SEC. 408. CIVIL ACTION.**

4 (a) *JURISDICTION.*—The district courts of the United  
5 States shall have jurisdiction over any civil action com-  
6 menced under section 404 and this section by a covered em-  
7 ployee who has completed counseling under section 402 and  
8 mediation under section 403. A civil action may be com-  
9 menced by a covered employee only to seek redress for a  
10 violation for which the employee has completed counseling  
11 and mediation.

12 (b) *PARTIES.*—The defendant shall be the employing  
13 office alleged to have committed the violation, or in which  
14 the violation is alleged to have occurred.

15 (c) *JURY TRIAL.*—Any party may demand a jury trial  
16 where a jury trial would be available in an action against  
17 a private defendant under the relevant law made applicable  
18 by this Act. In any case in which a violation of section  
19 201 is alleged, the court shall not inform the jury of the  
20 maximum amount of compensatory damages available  
21 under section 201(b)(1) or 201(b)(3).

22 **SEC. 409. JUDICIAL REVIEW OF REGULATIONS.**

23 In any proceeding brought under section 407 or 408  
24 in which the application of a regulation issued under this  
25 Act is at issue, the court may review the validity of the

1 regulation in accordance with the provisions of subpara-  
2 graphs (A) through (D) of section 706(2) of title 5, United  
3 States Code, except that with respect to regulations ap-  
4 proved by a joint resolution under section 304(c), only the  
5 provisions of section 706(2)(B) of title 5, United States  
6 Code, shall apply. If the court determines that the regula-  
7 tion is invalid, the court shall apply, to the extent necessary  
8 and appropriate, the most relevant substantive executive  
9 agency regulation promulgated to implement the statutory  
10 provisions with respect to which the invalid regulation was  
11 issued. Except as provided in this section, the validity of  
12 regulations issued under this Act is not subject to judicial  
13 review.

14 **SEC. 410. OTHER JUDICIAL REVIEW PROHIBITED.**

15 Except as expressly authorized by sections 407, 408,  
16 and 409, the compliance or noncompliance with the provi-  
17 sions of this Act and any action taken pursuant to this  
18 Act shall not be subject to judicial review.

19 **SEC. 411. EFFECT OF FAILURE TO ISSUE REGULATIONS.**

20 In any proceeding under section 405, 406, 407, or 408,  
21 except a proceeding to enforce section 220 with respect to  
22 offices listed under section 220(e)(2), if the Board has not  
23 issued a regulation on a matter for which this Act requires  
24 a regulation to be issued, the hearing officer, Board, or  
25 court, as the case may be, shall apply, to the extent nec-

1 *essary and appropriate, the most relevant substantive exec-*  
2 *utive agency regulation promulgated to implement the stat-*  
3 *utory provision at issue in the proceeding.*

4 **SEC. 412. EXPEDITED REVIEW OF CERTAIN APPEALS.**

5 (a) *IN GENERAL.*—An appeal may be taken directly  
6 to the Supreme Court of the United States from any inter-  
7 locutory or final judgment, decree, or order of a court upon  
8 the constitutionality of any provision of this Act.

9 (b) *JURISDICTION.*—The Supreme Court shall, if it has  
10 not previously ruled on the question, accept jurisdiction  
11 over the appeal referred to in subsection (a), advance the  
12 appeal on the docket, and expedite the appeal to the greatest  
13 extent possible.

14 **SEC. 413. PRIVILEGES AND IMMUNITIES.**

15 *The authorization to bring judicial proceedings under*  
16 *sections 405(f)(3), 407, and 408 shall not constitute a waiv-*  
17 *er of sovereign immunity for any other purpose, or of the*  
18 *privileges of any Senator or Member of the House of Rep-*  
19 *resentatives under article I, section 6, clause 1, of the Con-*  
20 *stitution, or a waiver of any power of either the Senate*  
21 *or the House of Representatives under the Constitution, in-*  
22 *cluding under article I, section 5, clause 3, or under the*  
23 *rules of either House relating to records and information*  
24 *within its jurisdiction.*

1 **SEC. 414. SETTLEMENT OF COMPLAINTS.**

2 *Any settlement entered into by the parties to a process*  
3 *described in section 210, 215, 220, or 401 shall be in writ-*  
4 *ing and not become effective unless it is approved by the*  
5 *Executive Director. Nothing in this Act shall affect the*  
6 *power of the Senate and the House of Representatives, re-*  
7 *spectively, to establish rules governing the process by which*  
8 *a settlement may be entered into by such House or by any*  
9 *employing office of such House.*

10 **SEC. 415. PAYMENTS.**

11 *(a) AWARDS AND SETTLEMENTS.—Except as provided*  
12 *in subsection (c), only funds which are appropriated to an*  
13 *account of the Office in the Treasury of the United States*  
14 *for the payment of awards and settlements may be used for*  
15 *the payment of awards and settlements under this Act.*  
16 *There are authorized to be appropriated for such account*  
17 *such sums as may be necessary to pay such awards and*  
18 *settlements. Funds in the account are not available for*  
19 *awards and settlements involving the General Accounting*  
20 *Office, the Government Printing Office, or the Library of*  
21 *Congress.*

22 *(b) COMPLIANCE.—Except as provided in subsection*  
23 *(c), there are authorized to be appropriated such sums as*  
24 *may be necessary for administrative, personnel, and simi-*  
25 *lar expenses of employing offices which are needed to com-*  
26 *ply with this Act.*

1           (c) *OSHA, ACCOMMODATION, AND ACCESS REQUIRE-*  
2 *MENTS.—Funds to correct violations of section 201(a)(3),*  
3 *210, or 215 of this Act may be paid only from funds appro-*  
4 *priated to the employing office or entity responsible for cor-*  
5 *recting such violations. There are authorized to be appro-*  
6 *priated such sums as may be necessary for such funds.*

7 **SEC. 416. CONFIDENTIALITY.**

8           (a) *COUNSELING.—All counseling shall be strictly con-*  
9 *fidential, except that the Office and a covered employee may*  
10 *agree to notify the employing office of the allegations.*

11           (b) *MEDIATION.—All mediation shall be strictly con-*  
12 *fidential.*

13           (c) *HEARINGS AND DELIBERATIONS.—Except as pro-*  
14 *vided in subsections (d), (e), and (f), all proceedings and*  
15 *deliberations of hearing officers and the Board, including*  
16 *any related records, shall be confidential. This subsection*  
17 *shall not apply to proceedings under section 215, but shall*  
18 *apply to the deliberations of hearing officers and the Board*  
19 *under that section.*

20           (d) *RELEASE OF RECORDS FOR JUDICIAL ACTION.—*  
21 *The records of hearing officers and the Board may be made*  
22 *public if required for the purpose of judicial review under*  
23 *section 407.*

24           (e) *ACCESS BY COMMITTEES OF CONGRESS.—At the*  
25 *discretion of the Executive Director, the Executive Director*

1 *may provide to the Committee on Standards of Official*  
2 *Conduct of the House of Representatives and the Select*  
3 *Committee on Ethics of the Senate access to the records of*  
4 *the hearings and decisions of the hearing officers and the*  
5 *Board, including all written and oral testimony in the pos-*  
6 *session of the Office. The Executive Director shall not pro-*  
7 *vide such access until the Executive Director has consulted*  
8 *with the individual filing the complaint at issue, and until*  
9 *a final decision has been entered under section 405(g) or*  
10 *406(e).*

11 *(f) FINAL DECISIONS.—A final decision entered under*  
12 *section 405(g) or 406(e) shall be made public if it is in*  
13 *favor of the complaining covered employee, or in favor of*  
14 *the charging party under section 210, or if the decision re-*  
15 *verses a decision of a hearing officer which had been in*  
16 *favor of the covered employee or charging party. The Board*  
17 *may make public any other decision at its discretion.*

18 **TITLE V—MISCELLANEOUS**  
19 **PROVISIONS**

20 **SEC. 501. EXERCISE OF RULEMAKING POWERS.**

21 *The provisions of sections 102(b)(3) and 304(c) are en-*  
22 *acted—*

23 *(1) as an exercise of the rulemaking power of the*  
24 *House of Representatives and the Senate, respectively,*  
25 *and as such they shall be considered as part of the*

1 *rules of such House, respectively, and such rules shall*  
2 *supersede other rules only to the extent that they are*  
3 *inconsistent therewith; and*

4 *(2) with full recognition of the constitutional*  
5 *right of either House to change such rules (so far as*  
6 *relating to such House) at any time, in the same*  
7 *manner, and to the same extent as in the case of any*  
8 *other rule of each House.*

9 **SEC. 502. POLITICAL AFFILIATION AND PLACE OF RESI-**  
10 **DENCE.**

11 *(a) IN GENERAL.—It shall not be a violation of any*  
12 *provision of section 201 to consider the—*

13 *(1) party affiliation;*

14 *(2) domicile; or*

15 *(3) political compatibility with the employing*  
16 *office;*

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

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

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

24 *(2) an employee on the staff of a committee or*  
25 *subcommittee of—*

1 (A) the House of Representatives;

2 (B) the Senate; or

3 (C) a joint committee of the Congress;

4 (3) an employee on the staff of a Member of the  
5 House of Representatives or on the staff of a Senator;

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

12 (5) an applicant for a position that is to be oc-  
13 cupied by an individual described in any of para-  
14 graphs (1) through (4).

15 **SEC. 503. NONDISCRIMINATION RULES OF THE HOUSE AND**

16 **SENATE.**

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

24 **SEC. 504. TECHNICAL AND CONFORMING AMENDMENTS.**

25 (a) *CIVIL RIGHTS REMEDIES.*—

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

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

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

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

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

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

16          “(a) *PRACTICES.*—*All personnel actions affecting the*  
17          *Presidential appointees described in section 303 or the State*  
18          *employees described in section 304 shall be made free from*  
19          *any discrimination based on—*

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

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

1           “(3) disability, within the meaning of section  
2           501 of the Rehabilitation Act of 1973 (29 U.S.C. 791)  
3           and sections 102 through 104 of the Americans with  
4           Disabilities Act of 1990 (42 U.S.C. 12112–14).

5           “(b) REMEDIES.—The remedies referred to in sections  
6           303(a)(1) and 304(a)—

7           “(1) may include, in the case of a determination  
8           that a violation of subsection (a)(1) or (a)(3) has oc-  
9           curred, such remedies as would be appropriate if  
10           awarded under sections 706(g), 706(k), and 717(d) of  
11           the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(g),  
12           2000e–5(k), 2000e–16(d)), and such compensatory  
13           damages as would be appropriate if awarded under  
14           section 1977 or sections 1977A(a) and 1977A(b)(2) of  
15           the Revised Statutes (42 U.S.C. 1981 and 1981a(a)  
16           and (b)(2));

17           “(2) may include, in the case of a determination  
18           that a violation of subsection (a)(2) has occurred,  
19           such remedies as would be appropriate if awarded  
20           under section 15(c) of the Age Discrimination in Em-  
21           ployment Act of 1967 (29 U.S.C. 633a(c)); and

22           “(3) may not include punitive damages.”.

23           (2) Sections 303 through 319, and sections 322,  
24           324, and 325 of the Government Employee Rights Act  
25           of 1991 (2 U.S.C. 1203–1218, 1221, 1223, and 1224)

1        *are repealed, except as provided in section 506 of this*  
2        *Act.*

3                (3) *Sections 320 and 321 of the Government Em-*  
4        *ployee Rights Act of 1991 (2 U.S.C. 1219 and 1220)*  
5        *are redesignated as sections 303 and 304, respectively.*

6                (4) *Sections 303 and 304 of the Government Em-*  
7        *ployee Rights Act of 1991, as so redesignated, are*  
8        *each amended by striking “and 307(h) of this title”.*

9                (5) *Section 1205 of the Supplemental Appropria-*  
10        *tions Act of 1993 (2 U.S.C. 1207a) is repealed, except*  
11        *as provided in section 506 of this Act.*

12                (b) *FAMILY AND MEDICAL LEAVE ACT OF 1993.—Title*  
13        *V of the Family and Medical Leave Act of 1993 (2 U.S.C.*  
14        *60m et seq.) is repealed, except as provided in section 506*  
15        *of this Act.*

16                (c) *ARCHITECT OF THE CAPITOL.—*

17                        (1) *REPEAL.—Section 312(e) of the Architect of*  
18        *the Capitol Human Resources Act (Public Law 103–*  
19        *283; 108 Stat. 1444) is repealed, except as provided*  
20        *in section 506 of this Act.*

21                        (2) *APPLICATION OF GENERAL ACCOUNTING OF-*  
22        *FICE PERSONNEL ACT OF 1980.—The provisions of sec-*  
23        *tions 751, 753, and 755 of title 31, United States*  
24        *Code, amended by section 312(e) of the Architect of*  
25        *the Capitol Human Resources Act, shall be applied*

1        *and administered as if such section 312(e) (and the*  
2        *amendments made by such section) had not been*  
3        *enacted.*

4        ***SEC. 505. JUDICIAL BRANCH COVERAGE STUDY.***

5        *The Judicial Conference of the United States shall pre-*  
6        *pare a report for submission by the Chief Justice of the*  
7        *United States to the Congress on the application to the judi-*  
8        *cial branch of the Federal Government of—*

9                *(1) the Fair Labor Standards Act of 1938 (29*  
10              *U.S.C. 201 et seq.);*

11              *(2) title VII of the Civil Rights Act of 1964 (42*  
12              *U.S.C. 2000e et seq.);*

13              *(3) the Americans with Disabilities Act of 1990*  
14              *(42 U.S.C. 12101 et seq.);*

15              *(4) the Age Discrimination in Employment Act*  
16              *of 1967 (29 U.S.C. 621 et seq.);*

17              *(5) the Family and Medical Leave Act of 1993*  
18              *(29 U.S.C. 2611 et seq.);*

19              *(6) the Occupational Safety and Health Act of*  
20              *1970 (29 U.S.C. 651 et seq.);*

21              *(7) chapter 71 (relating to Federal service labor-*  
22              *management relations) of title 5, United States Code;*

23              *(8) the Employee Polygraph Protection Act of*  
24              *1988 (29 U.S.C. 2001 et seq.);*

1           (9) the Worker Adjustment and Retraining Noti-  
2           fication Act (29 U.S.C. 2101 et seq.);

3           (10) the Rehabilitation Act of 1973 (29 U.S.C.  
4           701 et seq.); and

5           (11) chapter 43 (relating to veterans' employ-  
6           ment and reemployment) of title 38, United States  
7           Code.

8           The report shall be submitted to Congress not later than  
9           December 31, 1996, and shall include any recommendations  
10          the Judicial Conference may have for legislation to provide  
11          to employees of the judicial branch the rights, protections,  
12          and procedures under the listed laws, including administra-  
13          tive and judicial relief, that are comparable to those avail-  
14          able to employees of the legislative branch under titles I  
15          through IV of this Act.

16          **SEC. 506. SAVINGS PROVISIONS.**

17          (a) TRANSITION PROVISIONS FOR EMPLOYEES OF THE  
18          HOUSE OF REPRESENTATIVES AND OF THE SENATE.—

19                 (1) CLAIMS ARISING BEFORE EFFECTIVE  
20                 DATE.—If, as of the date on which section 201 takes  
21                 effect, an employee of the Senate or the House of Rep-  
22                 resentatives has or could have requested counseling  
23                 under section 305 of the Government Employees  
24                 Rights Act of 1991 (2 U.S.C. 1205) or Rule LI of the  
25                 House of Representatives, including counseling for al-

1 *leged violations of family and medical leave rights*  
2 *under title V of the Family and Medical Leave Act*  
3 *of 1993, the employee may complete, or initiate and*  
4 *complete, all procedures under the Government Em-*  
5 *ployees Rights Act of 1991 and Rule LI, and the pro-*  
6 *visions of that Act and Rule shall remain in effect*  
7 *with respect to, and provide the exclusive procedures*  
8 *for, those claims until the completion of all such pro-*  
9 *cedures.*

10 (2) *CLAIMS ARISING BETWEEN EFFECTIVE DATE*  
11 *AND OPENING OF OFFICE.—If a claim by an employee*  
12 *of the Senate or House of Representatives arises under*  
13 *section 201 or 202 after the effective date of such sec-*  
14 *tions, but before the opening of the Office for receipt*  
15 *of requests for counseling or mediation under sections*  
16 *402 and 403, the provisions of the Government Em-*  
17 *ployees Rights Act of 1991 (2 U.S.C. 1201 et seq.)*  
18 *and Rule LI of the House of Representatives relating*  
19 *to counseling and mediation shall remain in effect,*  
20 *and the employee may complete under that Act or*  
21 *Rule the requirements for counseling and mediation*  
22 *under sections 402 and 403. If, after counseling and*  
23 *mediation is completed, the Office has not yet opened*  
24 *for the filing of a timely complaint under section 405,*  
25 *the employee may elect—*

1           (A) to file a complaint under section 307 of  
2           the Government Employees Rights Act of 1991 (2  
3           U.S.C. 1207) or Rule LI of the House of Rep-  
4           resentatives, and thereafter proceed exclusively  
5           under that Act or Rule, the provisions of which  
6           shall remain in effect until the completion of all  
7           proceedings in relation to the complaint, or

8           (B) to commence a civil action under sec-  
9           tion 408.

10          (3) SECTION 1205 OF THE SUPPLEMENTAL AP-  
11          PROPRIATIONS ACT OF 1993.—With respect to pay-  
12          ments of awards and settlements relating to Senate  
13          employees under paragraph (1) of this subsection, sec-  
14          tion 1205 of the Supplemental Appropriations Act of  
15          1993 (2 U.S.C. 1207a) remains in effect.

16          (b) TRANSITION PROVISIONS FOR EMPLOYEES OF THE  
17          ARCHITECT OF THE CAPITOL.—

18          (1) CLAIMS ARISING BEFORE EFFECTIVE  
19          DATE.—If, as of the date on which section 201 takes  
20          effect, an employee of the Architect of the Capitol has  
21          or could have filed a charge or complaint regarding  
22          an alleged violation of section 312(e)(2) of the Archi-  
23          tect of the Capitol Human Resources Act (Public Law  
24          103–283), the employee may complete, or initiate and  
25          complete, all procedures under section 312(e) of that

1 *Act, the provisions of which shall remain in effect*  
2 *with respect to, and provide the exclusive procedures*  
3 *for, that claim until the completion of all such proce-*  
4 *dures.*

5 (2) *CLAIMS ARISING BETWEEN EFFECTIVE DATE*  
6 *AND OPENING OF OFFICE.—If a claim by an employee*  
7 *of the Architect of the Capitol arises under section*  
8 *201 or 202 after the effective date of those provisions,*  
9 *but before the opening of the Office for receipt of re-*  
10 *quests for counseling or mediation under sections 402*  
11 *and 403, the employee may satisfy the requirements*  
12 *for counseling and mediation by exhausting the re-*  
13 *quirements prescribed by the Architect of the Capitol*  
14 *in accordance with section 312(e)(3) of the Architect*  
15 *of the Capitol Human Resources Act (Public Law*  
16 *103–283). If, after exhaustion of those requirements*  
17 *the Office has not yet opened for the filing of a timely*  
18 *complaint under section 405, the employee may*  
19 *elect—*

20 (A) *to file a charge with the General Ac-*  
21 *counting Office Personnel Appeals Board pursu-*  
22 *ant to section 312(e)(3) of the Architect of the*  
23 *Capitol Human Resources Act (Public Law 103–*  
24 *283), and thereafter proceed exclusively under*  
25 *section 312(e) of that Act, the provisions of*

1           *which shall remain in effect until the completion*  
2           *of all proceedings in relation to the charge, or*

3                     *(B) to commence a civil action under sec-*  
4           *tion 408.*

5           *(c) TRANSITION PROVISION RELATING TO MATTERS*  
6           *OTHER THAN EMPLOYMENT UNDER SECTION 509 OF THE*  
7           *AMERICANS WITH DISABILITIES ACT OF 1990.—With re-*  
8           *spect to matters other than employment under section 509*  
9           *of the Americans with Disabilities Act of 1990 (42 U.S.C.*  
10          *12209), the rights, protections, remedies, and procedures of*  
11          *section 509 of such Act shall remain in effect until section*  
12          *210 of this Act takes effect with respect to each of the entities*  
13          *covered by section 509 of such Act.*

14          **SEC. 507. USE OF FREQUENT FLYER MILES.**

15           *(a) LIMITATION ON THE USE OF TRAVEL AWARDS.—*  
16          *Notwithstanding any other provision of law, or any rule,*  
17          *regulation, or other authority, any travel award that ac-*  
18          *crues by reason of official travel of a Member, officer, or*  
19          *employee of the Senate shall be considered the property of*  
20          *the office for which the travel was performed and may not*  
21          *be converted to personal use.*

22           *(b) REGULATIONS.—The Committee on Rules and Ad-*  
23          *ministration of the Senate shall have authority to prescribe*  
24          *regulations to carry out this section.*

25           *(c) DEFINITIONS.—As used in this section—*

1           (1) the term “travel award” means any frequent  
2 flyer, free, or discounted travel, or other travel benefit,  
3 whether awarded by coupon, membership, or other-  
4 wise; and

5           (2) the term “official travel” means travel en-  
6 gaged in the course of official business of the Senate.

7 **SEC. 508. SENSE OF SENATE REGARDING ADOPTION OF**  
8 **SIMPLIFIED AND STREAMLINED ACQUISITION**  
9 **PROCEDURES FOR SENATE ACQUISITIONS.**

10        It is the sense of the Senate that the Committee on  
11 Rules and Administration of the Senate should review the  
12 rules applicable to purchases by Senate offices to determine  
13 whether they are consistent with the acquisition simplifica-  
14 tion and streamlining laws enacted in the Federal Acquisi-  
15 tion Streamlining Act of 1994 (Public Law 103–355).

16 **SEC. 509. SEVERABILITY.**

17        If any provision of this Act or the application of such  
18 provision to any person or circumstance is held to be in-  
19 valid, the remainder of this Act and the application of the  
20 provisions of the remainder to any person or circumstance  
21 shall not be affected thereby.

Attest:

Secretary.

HR 1 EAS—2

HR 1 EAS—3

HR 1 EAS—4

HR 1 EAS—5

HR 1 EAS—6

HR 1 EAS—7

HR 1 EAS—8

HR 1 EAS—9

HR 1 EAS—10

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 1**

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**AMENDMENT**