



# Congressional Accountability Act of 1995

PL 104-1

2 U.S.C.1301 et seq., as amended

*Office of Compliance—Advancing  
safety, health, and workplace rights  
in the Legislative Branch*

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# Congressional Accountability Act of 1995

PL – 104-1  
2 U.S.C. 1301 et seq., as amended

Office of Compliance  
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Executive Director

This edition of the Congressional Accountability Act  
includes all amendments to the Act as of October 2004.



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# Introduction to the Congressional Accountability Act

The Congressional Accountability Act (CAA), enacted in 1995, was one of the first pieces of legislation passed by the 104th Congress. The Act requires Congress and Legislative Branch entities to follow many of the same employment and workplace safety laws applied to private business and the rest of the Federal government. The CAA also established a dispute resolution procedure for Legislative Branch entities that emphasizes counseling and mediation for the early resolution of disputes.

The twelve civil rights, labor, and workplace safety laws applied by the CAA include the Occupational Safety and Health Act of 1970; the Federal Labor Relations Act; Title VII of the Civil Rights Act of 1964; the Americans with Disabilities Act; the Rehabilitation Act of 1970; the Family and Medical Leave Act; the Fair Labor Standards Act; the Age Discrimination in Employment Act; the Worker Adjustment and Retraining Act; the Employee Polygraph Protection Act; and veterans' employment and reemployment rights at Chapter 43 of Title 38 of the U.S. Code. The Act was amended in 1998 to include the provisions of the Veterans Employment Opportunities Act.

The CAA protects over 30,000 employees of the Legislative Branch, including employees of the House of Representatives and the Senate (both Washington, D.C. and state district office staff); the Architect of the Capitol; the U.S. Capitol Police; the Capitol Guide Service; the Congressional Budget Office; the Office of the Attending Physician; and the Office of Compliance. Certain provisions of the CAA also apply to the Government Accountability Office (GAO, formerly the General Accounting Office) and to the Library of Congress.

The CAA established the Office of Compliance as an independent agency to administer and enforce the Act. The Office operates an administrative dispute resolution system to resolve disputes and complaints arising under the Act; carries out an education and training program for the regulated community on the rights and responsibilities under the Act; and advises Congress on needed changes and amendments to the Act. The General Counsel of the Office of Compliance has independent investigatory and enforcement discretion for certain violations of the Act.



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**SUBCHAPTER I—GENERAL**

**SUBCHAPTER REFERRED TO IN OTHER SECTIONS**

This subchapter is referred to in section 1434 of this title.

**§ 1301. Definitions**

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Sec. 101

Except as otherwise specifically provided in this chapter, as used in this chapter:

**(1) Board**

The term "Board" means the Board of Directors of the Office of Compliance.

**(2) Chair**

The term "Chair" means the Chair of the Board of Directors of the Office of Compliance.

**(3) Covered employee**

The term "covered employee" means any employee of—

- (A) the House of Representatives;
- (B) the Senate;
- (C) the Capitol Guide Service;
- (D) the Capitol Police;
- (E) the Congressional Budget Office;
- (F) the Office of the Architect of the Capitol;
- (G) the Office of the Attending Physician;
- (H) the Office of Compliance; or
- (I) the Office of Technology Assessment.

**(4) Employee**

The term "employee" includes an applicant for employment and a former employee.

**(5) Employee of the Office of the Architect of the Capitol**

The term "employee of the Office of the Architect of the Capitol" includes any employee

of the Office of the Architect of the Capitol, the Botanic Garden, or the Senate Restaurants.

**(6) Employee of the Capitol Police**

The term “employee of the Capitol Police” includes any member or officer of the Capitol Police.

**(7) Employee of the House of Representatives**

The term “employee of the House of Representatives” includes an individual occupying a position the pay for which is disbursed by the Clerk of the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the clerk-hire allowance of the House of Representatives but not any such individual employed by any entity listed in subparagraphs (C) through (I) of paragraph (3).

**(8) Employee of the Senate**

The term “employee of the Senate” includes any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in subparagraphs (C) through (I) of paragraph (3).

**(9) Employing office**

The term “employing office” means—

- (A) the personal office of a Member of the House of Representatives or of a Senator;
- (B) a committee of the House of Representatives or the Senate or a joint committee;
- (C) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; or
- (D) the Capitol Guide Board, the Capitol Police Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, and the Office of Technology Assessment.

**(10) Executive Director**

The term “Executive Director” means the Executive Director of the Office of Compliance.

**(11) General Counsel**

The term “General Counsel” means the General Counsel of the Office of Compliance.

**(12) Office**

The term “Office” means the Office of Compliance.

(Pub. L. 104–1, title I, §101, Jan. 23, 1995, 109 Stat. 4.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 104–1, Jan. 23, 1995, 109 Stat. 3, as amended, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note below and Tables.

SHORT TITLE

Section 1(a) of Pub. L. 104–1 provided that: “This Act [enacting this chapter, amending sections 1201, 1202, 1219, 1220, and 1831 of this title, section 6381 of Title 5,

Government Organization and Employees, sections 203, 633a, 2611, and 2617 of Title 29, Labor, and sections 2000e–16 and 12209 of Title 42, The Public Health and Welfare, repealing sections 60m, 60n, 1203 to 1218, 1221, 1223, and 1224 of this title, and enacting provisions set out as a note under section 751 of Title 31, Money and Finance] may be cited as the ‘Congressional Accountability Act of 1995.’”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 60c–5, 1316a of this title.

**§ 1302. Application of laws**

**(a) Laws made applicable**

The following laws shall apply, as prescribed by this chapter, to the legislative branch of the Federal Government:

- (1) The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).
- (2) Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.).
- (3) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).
- (4) The Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.).
- (5) The Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.).
- (6) The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).
- (7) Chapter 71 (relating to Federal service labor-management relations) of title 5.
- (8) The Employee Polygraph Protection Act of 1988 (29 U.S.C. 2001 et seq.).
- (9) The Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.).
- (10) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).
- (11) Chapter 43 (relating to veterans’ employment and reemployment) of title 38.

**(b) Laws which may be made applicable**

**(1) In general**

The Board shall review provisions of Federal law (including regulations) relating to (A) the terms and conditions of employment (including hiring, promotion, demotion, termination, salary, wages, overtime compensation, benefits, work assignments or reassignments, grievance and disciplinary procedures, protection from discrimination in personnel actions, occupational health and safety, and family and medical and other leave) of employees, and (B) access to public services and accommodations.

**(2) Board report**

Beginning on December 31, 1996, and every 2 years thereafter, the Board shall report on (A) whether or to what degree the provisions described in paragraph (1) are applicable or inapplicable to the legislative branch, and (B) with respect to provisions inapplicable to the legislative branch, whether such provisions should be made applicable to the legislative branch. The presiding officers of the House of Representatives and the Senate shall cause each such report to be printed in the Congressional Record and each such report shall be referred to the committees of the House of Representatives and the Senate with jurisdiction.

**(3) Reports of congressional committees**

Each report accompanying any bill or joint resolution relating to terms and conditions of

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employment or access to public services or accommodations reported by a committee of the House of Representatives or the Senate shall—

(A) describe the manner in which the provisions of the bill or joint resolution apply to the legislative branch; or

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

On the objection of any Member, it shall not be in order for the Senate or the House of Representatives to consider any such bill or joint resolution if the report of the committee on such bill or joint resolution does not comply with the provisions of this paragraph. This paragraph may be waived in either House by majority vote of that House.

(Pub. L. 104-1, title I, §102, Jan. 23, 1995, 109 Stat. 5.)

REFERENCES IN TEXT

The Fair Labor Standards Act of 1938, referred to in subsec. (a)(1), is act June 25, 1938, ch. 676, 52 Stat. 1060, as amended, which is classified generally to chapter 8 (§201 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see section 201 of Title 29 and Tables.

The Civil Rights Act of 1964, referred to in subsec. (a)(2), is Pub. L. 88-352, July 2, 1964, 78 Stat. 252, as amended. Title VII of the Act is classified generally to subchapter VI (§2000e et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

The Americans with Disabilities Act of 1990, referred to in subsec. (a)(3), is Pub. L. 101-336, July 26, 1990, 104 Stat. 327, as amended, which is classified principally to chapter 126 (§12101 et seq.) of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of Title 42 and Tables.

The Age Discrimination in Employment Act of 1967, referred to in subsec. (a)(4), is Pub. L. 90-202, Dec. 15, 1967, 81 Stat. 602, as amended, which is classified generally to chapter 14 (§621 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 29 and Tables.

The Family and Medical Leave Act of 1993, referred to in subsec. (a)(5), is Pub. L. 103-3, Feb. 5, 1993, 107 Stat. 6, as amended, which enacted sections 60m and 60n of this title, sections 6381 to 6387 of Title 5, Government Organization and Employees, and chapter 28 (§2601 et seq.) of Title 29, Labor, amended section 2105 of Title 5, and enacted provisions set out as notes under section 2601 of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of Title 29 and Tables.

The Occupational Safety and Health Act of 1970, referred to in subsec. (a)(6), is Pub. L. 91-596, Dec. 29, 1970, 84 Stat. 1590, as amended, which is classified principally to chapter 15 (§651 et seq.) of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 651 of Title 29 and Tables.

The Employee Polygraph Protection Act of 1988, referred to in subsec. (a)(8), is Pub. L. 100-347, June 27, 1988, 102 Stat. 646, as amended, which is classified generally to chapter 22 (§2001 et seq.) of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 2001 of Title 29 and Tables.

The Worker Adjustment and Retraining Notification Act, referred to in subsec. (a)(9), is Pub. L. 100-379, Aug. 4, 1988, 102 Stat. 890, which is classified generally to chapter 23 (§2101 et seq.) of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 2101 of Title 29 and Tables.

The Rehabilitation Act of 1973, referred to in subsec. (a)(10), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355, as amended, which is classified generally to chapter 16 (§701 et seq.) of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1381, 1382, 1405, 1431, 1927 of this title.

SUBCHAPTER II—EXTENSION OF RIGHTS AND PROTECTIONS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1384, 1405, 1434 of this title.

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

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 1316a, 1361, 1401, 1402, 1407 of this title.

**§ 1311. Rights and protections under title VII of Civil Rights Act of 1964, Age Discrimination in Employment Act of 1967, Rehabilitation Act of 1973, and title I of Americans with Disabilities Act of 1990**

P.L. 104-1  
Sec. 201

**(a) Discriminatory practices prohibited**

All personnel actions affecting covered employees shall be made free from any discrimination based on—

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

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

(3) disability, within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) and sections 102 through 104 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112-12114).

**(b) Remedy**

**(1) Civil rights**

The remedy for a violation of subsection (a)(1) of this section shall be—

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

(B) such compensatory damages as would be appropriate if awarded under section 1981 of title 42, or as would be appropriate if awarded under sections 1981a(a)(1), 1981a(b)(2), and, irrespective of the size of the employing office, 1981a(b)(3)(D) of title 42.

**(2) Age discrimination**

The remedy for a violation of subsection (a)(2) of this section shall be—

(A) such remedy as would be appropriate if awarded under section 15(c) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(c)); and

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

In addition, the waiver provisions of section 7(f) of such Act (29 U.S.C. 626(f)) shall apply to covered employees.

**(3) Disabilities discrimination**

The remedy for a violation of subsection (a)(3) of this section shall be—

(A) such remedy as would be appropriate if awarded under section 505(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 794a(a)(1)) or section 107(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12117(a)); and

(B) such compensatory damages as would be appropriate if awarded under sections 1981a(a)(2), 1981a(a)(3), 1981a(b)(2), and, irrespective of the size of the employing office, 1981a(b)(3)(D) of title 42.

**(c) Omitted**

**(d) Effective date**

This section shall take effect 1 year after January 23, 1995.

(Pub. L. 104-1, title II, §201, Jan. 23, 1995, 109 Stat. 7.)

CODIFICATION

Section is comprised of section 201 of Pub. L. 104-1. Subsec. (c) of section 201 of Pub. L. 104-1 amended section 633a of Title 29, Labor, and sections 2000e-16 and 12209 of Title 42, The Public Health and Welfare.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1331, 1408, 1415, 1432, 1435 of this title.

P.L. 104-1 § 1312. Rights and protections under Family and Medical Leave Act of 1993  
Sec. 202

**(a) Family and medical leave rights and protections provided**

**(1) In general**

The rights and protections established by sections 101 through 105 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 through 2615) shall apply to covered employees.

**(2) Definitions**

For purposes of the application described in paragraph (1)—

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

(B) the term “eligible employee” as used in the Family and Medical Leave Act of 1993 means a covered employee who has been employed in any employing office for 12 months and for at least 1,250 hours of employment during the previous 12 months.

**(b) Remedy**

The remedy for a violation of subsection (a) of this section shall be such remedy, including liquidated damages, as would be appropriate if awarded under paragraph (1) of section 107(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2617(a)(1)).

**(c) Omitted**

**(d) Regulations**

**(1) In general**

The Board shall, pursuant to section 1384 of this title, issue regulations to implement the rights and protections under this section.

**(2) Agency regulations**

The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) of this section except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

**(e) Effective date**

**(1) In general**

Subsections (a) and (b) of this section shall be effective 1 year after January 23, 1995.

**(2) General Accounting Office and Library of Congress**

Subsection (c) of this section shall be effective 1 year after transmission to the Congress of the study under section 1371 of this title.

(Pub. L. 104-1, title II, §202, Jan. 23, 1995, 109 Stat. 9.)

REFERENCES IN TEXT

The Family and Medical Leave Act of 1993, referred to in subsec. (a)(2), is Pub. L. 103-3, Feb. 5, 1993, 107 Stat. 6, as amended, which enacted sections 60m and 60n of this title, sections 6381 to 6387 of Title 5, Government Organization and Employees, and chapter 28 (§2601 et seq.) of Title 29, Labor, amended section 2105 of Title 5, and enacted provisions set out as notes under section 2601 of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of Title 29 and Tables.

Subsection (c) of this section, referred to in subsec. (e)(2), amended section 6381 of Title 5, Government Organization and Employees, and sections 2611 and 2617 of Title 29, Labor.

CODIFICATION

Section is comprised of section 202 of Pub. L. 104-1. Subsec. (c) of section 202 of Pub. L. 104-1 amended section 6381 of Title 5, Government Organization and Employees, and sections 2611 and 2617 of Title 29, Labor.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1435 of this title.

§ 1313. Rights and protections under Fair Labor Standards Act of 1938

P.L. 104-1  
Sec. 203

**(a) Fair labor standards**

**(1) In general**

The rights and protections established by subsections (a)(1) and (d) of section 6, section 7, and section 12(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 (a)(1) and (d), 207, 212(c)) shall apply to covered employees.

**(2) Interns**

For the purposes of this section, the term “covered employee” does not include an intern

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as defined in regulations under subsection (c) of this section.

**(3) Compensatory time**

Except as provided in regulations under subsection (c)(3) of this section and in subsection (c)(4) of this section, covered employees may not receive compensatory time in lieu of overtime compensation.

**(b) Remedy**

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

**(c) Regulations to implement section**

**(1) In general**

The Board shall, pursuant to section 1384 of this title, issue regulations to implement this section.

**(2) Agency regulations**

Except as provided in paragraph (3), the regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) of this section except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

**(3) Irregular work schedules**

The Board shall issue regulations for covered employees whose work schedules directly depend on the schedule of the House of Representatives or the Senate that shall be comparable to the provisions in the Fair Labor Standards Act of 1938 [29 U.S.C. 201 et seq.] that apply to employees who have irregular work schedules.

**(4) Law enforcement**

Law enforcement personnel of the Capitol Police who are subject to the exemption under section 7(k) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(k)) may elect to receive compensatory time off in lieu of overtime compensation for hours worked in excess of the maximum for their work period.

**(d) Omitted**

**(e) Effective date**

Subsections (a) and (b) of this section shall be effective 1 year after January 23, 1995.

(Pub. L. 104-1, title II, §203, Jan. 23, 1995, 109 Stat. 10; Pub. L. 104-197, title III, §312, Sept. 16, 1996, 110 Stat. 2415.)

REFERENCES IN TEXT

The Fair Labor Standards Act of 1938, referred to in subsec. (c)(3), is act June 25, 1938, ch. 676, 52 Stat. 1060, as amended, which is classified generally to chapter 8 (§201 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see section 201 of Title 29 and Tables.

CODIFICATION

Section is comprised of section 203 of Pub. L. 104-1. Subsec. (d) of section 203 of Pub. L. 104-1 amended section 203 of Title 29, Labor.

AMENDMENTS

1996—Subsec. (a)(3). Pub. L. 104-197, §312(a), inserted “and in subsection (c)(4) of this section” after “subsection (c)(3) of this section”.

Subsec. (c)(4). Pub. L. 104-197, §312(b), added par. (4).

**§ 1314. Rights and protections under Employee Polygraph Protection Act of 1988**

P.L. 104-1  
Sec. 204

**(a) Polygraph practices prohibited**

**(1) In general**

No employing office, irrespective of whether a covered employee works in that employing office, may require a covered employee to take a lie detector test where such a test would be prohibited if required by an employer under paragraph (1), (2), or (3) of section 3 of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2002(1), (2), or (3)). In addition, the waiver provisions of section 6(d) of such Act (29 U.S.C. 2005(d)) shall apply to covered employees.

**(2) Definitions**

For purposes of this section, the term “covered employee” shall include employees of the General Accounting Office and the Library of Congress and the term “employing office” shall include the General Accounting Office and the Library of Congress.

**(3) Capitol Police**

Nothing in this section shall preclude the Capitol Police from using lie detector tests in accordance with regulations under subsection (c) of this section.

**(b) Remedy**

The remedy for a violation of subsection (a) of this section shall be such remedy as would be appropriate if awarded under section 6(c)(1) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2005(c)(1)).

**(c) Regulations to implement section**

**(1) In general**

The Board shall, pursuant to section 1384 of this title, issue regulations to implement this section.

**(2) Agency regulations**

The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsections (a) and (b) of this section except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

**(d) Effective date**

**(1) In general**

Except as provided in paragraph (2), subsections (a) and (b) of this section shall be effective 1 year after January 23, 1995.

**(2) General Accounting Office and Library of Congress**

This section shall be effective with respect to the General Accounting Office and the Li-

brary of Congress 1 year after transmission to the Congress of the study under section 1371 of this title.

(Pub. L. 104-1, title II, §204, Jan. 23, 1995, 109 Stat. 10.)

P.L. 104-1  
Sec. 205

**§ 1315. Rights and protections under Worker Adjustment and Retraining Notification Act**

**(a) Worker adjustment and retraining notification rights**

**(1) In general**

No employing office shall be closed or a mass layoff ordered within the meaning of section 3 of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2102) until the end of a 60-day period after the employing office serves written notice of such prospective closing or layoff to representatives of covered employees or, if there are no representatives, to covered employees.

**(2) Definitions**

For purposes of this section, the term “covered employee” shall include employees of the General Accounting Office and the Library of Congress and the term “employing office” shall include the General Accounting Office and the Library of Congress.

**(b) Remedy**

The remedy for a violation of subsection (a) of this section shall be such remedy as would be appropriate if awarded under paragraphs (1), (2), and (4) of section 5(a) of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2104(a)(1), (2), and (4)).

**(c) Regulations to implement section**

**(1) In general**

The Board shall, pursuant to section 1384 of this title, issue regulations to implement this section.

**(2) Agency regulations**

The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) of this section except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

**(d) Effective date**

**(1) In general**

Except as provided in paragraph (2), subsections (a) and (b) of this section shall be effective 1 year after January 23, 1995.

**(2) General Accounting Office and Library of Congress**

This section shall be effective with respect to the General Accounting Office and the Library of Congress 1 year after transmission to the Congress of the study under section 1371 of this title.

(Pub. L. 104-1, title II, §205, Jan. 23, 1995, 109 Stat. 11.)

**§ 1316. Rights and protections relating to veterans’ employment and reemployment**

P.L. 104-1  
Sec. 206

**(a) Employment and reemployment rights of members of uniformed services**

**(1) In general**

It shall be unlawful for an employing office to—

(A) discriminate, within the meaning of subsections (a) and (b) of section 4311 of title 38, against an eligible employee;

(B) deny to an eligible employee reemployment rights within the meaning of sections 4312 and 4313 of title 38; or

(C) deny to an eligible employee benefits within the meaning of sections 4316, 4317, and 4318 of title 38.

**(2) Definitions**

For purposes of this section—

(A) the term “eligible employee” means a covered employee performing service in the uniformed services, within the meaning of section 4303(13) of title 38, whose service has not been terminated upon occurrence of any of the events enumerated in section 4304 of title 38,

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

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

**(b) Remedy**

The remedy for a violation of subsection (a) of this section shall be such remedy as would be appropriate if awarded under paragraphs (1), (2)(A), and (3) of section 4323(c) of title 38.

**(c) Regulations to implement section**

**(1) In general**

The Board shall, pursuant to section 1384 of this title, issue regulations to implement this section.

**(2) Agency regulations**

The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) of this section except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

**(d) Effective date**

**(1) In general**

Except as provided in paragraph (2), subsections (a) and (b) of this section shall be effective 1 year after January 23, 1995.

**(2) General Accounting Office and Library of Congress**

This section shall be effective with respect to the General Accounting Office and the Library of Congress 1 year after transmission to the Congress of the study under section 1371 of this title.

**§ 1316a**

(Pub. L. 104-1, title II, §206, Jan. 23, 1995, 109 Stat. 12.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1361 of this title.

P.L. 105-339 **§ 1316a. Legislative branch appointments**

Sec. 4(c)

**(1) Definitions**

For the purposes of this section, the terms “covered employee” and “Board” shall each have the meaning given such term by section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301).

**(2) Rights and protections**

The rights and protections established under section 2108, sections 3309 through 3312, and subchapter I of chapter 35, of title 5, shall apply to covered employees.

**(3) Remedies**

**(A) In general**

The remedy for a violation of paragraph (2) shall be such remedy as would be appropriate if awarded under applicable provisions of title 5 in the case of a violation of the relevant corresponding provision (referred to in paragraph (2)) of such title.

**(B) Procedure**

The procedure for consideration of alleged violations of paragraph (2) shall be the same as apply under section 401 of the Congressional Accountability Act of 1995 [2 U.S.C. 1401] (and the provisions of law referred to therein) in the case of an alleged violation of part A of title II of such Act [2 U.S.C. 1311 et seq.].

**(4) Regulations to implement section**

**(A) In general**

The Board shall, pursuant to section 304 of the Congressional Accountability Act of 1995 (2 U.S.C. 1384), issue regulations to implement this section.

**(B) Agency regulations**

The regulations issued under subparagraph (A) shall be the same as the most relevant substantive regulations (applicable with respect to the executive branch) promulgated to implement the statutory provisions referred to in paragraph (2) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

**(C) Coordination**

The regulations issued under subparagraph (A) shall be consistent with section 225 of the Congressional Accountability Act of 1995 (2 U.S.C. 1361).

**(5) Applicability**

Notwithstanding any other provision of this section, the term “covered employee” shall not, for purposes of this section, include an employee—

(A) whose appointment is made by the President with the advice and consent of the Senate;

(B) whose appointment is made by a Member of Congress or by a committee or subcommittee of either House of Congress; or

(C) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5).

**(6) Effective date**

Paragraphs (2) and (3) shall be effective as of the effective date of the regulations under paragraph (4).

(Pub. L. 105-339, §4(c), Oct. 31, 1998, 112 Stat. 3185.)

REFERENCES IN TEXT

The Congressional Accountability Act of 1995, referred to in par. (3)(B), is Pub. L. 104-1, Jan. 23, 1995, 109 Stat. 3, as amended. Part A of title II of the Act enacted this part and amended section 6381 of Title 5, Government Organization and Employees, sections 203, 633a, 2611, and 2617 of Title 29, Labor, and sections 2000e-16 and 12209 of Title 42, The Public Health and Welfare. For complete classification of part A to the Code, see Tables.

CODIFICATION

Section was enacted as part of the Veterans Employment Opportunities Act of 1998, and not as part of the Congressional Accountability Act of 1995 which comprises this chapter.

**§ 1317. Prohibition of intimidation or reprisal**

P.L. 104-1  
Sec. 207

**(a) In general**

It shall be unlawful for an employing office to intimidate, take reprisal against, or otherwise discriminate against, any covered employee because the covered employee has opposed any practice made unlawful by this chapter, or because the covered employee has initiated proceedings, made a charge, or testified, assisted, or participated in any manner in a hearing or other proceeding under this chapter.

**(b) Remedy**

The remedy available for a violation of subsection (a) of this section shall be such legal or equitable remedy as may be appropriate to redress a violation of subsection (a) of this section.

(Pub. L. 104-1, title II, §207, Jan. 23, 1995, 109 Stat. 13.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this Act”, meaning Pub. L. 104-1, Jan. 23, 1995, 109 Stat. 3, as amended, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of this title and Tables.

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

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in section 1407 of this title.

**§ 1331. Rights and protections under Americans with Disabilities Act of 1990 relating to public services and accommodations; procedures for remedy of violations**

P.L. 104-1  
Sec. 210

**(a) Entities subject to this section**

The requirements of this section shall apply to—

- (1) each office of the Senate, including each office of a Senator and each committee;
- (2) each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee;
- (3) each joint committee of the Congress;
- (4) the Capitol Guide Service;
- (5) the Capitol Police;
- (6) the Congressional Budget Office;
- (7) the Office of the Architect of the Capitol (including the Senate Restaurants and the Botanic Garden);
- (8) the Office of the Attending Physician;
- (9) the Office of Compliance; and
- (10) the Office of Technology Assessment.

**(b) Discrimination in public services and accommodations**

**(1) Rights and protections**

The rights and protections against discrimination in the provision of public services and accommodations established by sections 201 through 230, 302, 303, and 309 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131–12150, 12182, 12183, and 12189) shall apply to the entities listed in subsection (a) of this section.

**(2) Definitions**

For purposes of the application of title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.) under this section, the term “public entity” means any entity listed in subsection (a) of this section that provides public services, programs, or activities.

**(c) Remedy**

The remedy for a violation of subsection (b) of this section shall be such remedy as would be appropriate if awarded under section 203 or 308(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12133, 12188(a)), except that, with respect to any claim of employment discrimination asserted by any covered employee, the exclusive remedy shall be under section 1311 of this title.

**(d) Available procedures**

**(1) Charge filed with General Counsel**

A qualified individual with a disability, as defined in section 201(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131(2)), who alleges a violation of subsection (b) of this section by an entity listed in subsection (a) of this section, may file a charge against any entity responsible for correcting the violation with the General Counsel within 180 days of the occurrence of the alleged violation. The General Counsel shall investigate the charge.

**(2) Mediation**

If, upon investigation under paragraph (1), the General Counsel believes that a violation of subsection (b) of this section may have occurred and that mediation may be helpful in resolving the dispute, the General Counsel may request, but not participate in, mediation under subsections (b) through (d) of section 1403 of this title between the charging individual and any entity responsible for correcting the alleged violation.

**(3) Complaint, hearing, Board review**

If mediation under paragraph (2) has not succeeded in resolving the dispute, and if the Gen-

eral Counsel believes that a violation of subsection (b) of this section may have occurred, the General Counsel may file with the Office a complaint against any entity responsible for correcting the violation. The complaint shall be submitted to a hearing officer for decision pursuant to subsections (b) through (h) of section 1405 of this title and any person who has filed a charge under paragraph (1) may intervene as of right, with the full rights of a party. The decision of the hearing officer shall be subject to review by the Board pursuant to section 1406 of this title.

**(4) Judicial review**

A charging individual who has intervened under paragraph (3) or any respondent to the complaint, if aggrieved by a final decision of the Board under paragraph (3), may file a petition for review in the United States Court of Appeals for the Federal Circuit, pursuant to section 1407 of this title.

**(5) Compliance date**

If new appropriated funds are necessary to comply with an order requiring correction of a violation of subsection (b) of this section, compliance shall take place as soon as possible, but no later than the fiscal year following the end of the fiscal year in which the order requiring correction becomes final and not subject to further review.

**(e) Regulations to implement section**

**(1) In general**

The Board shall, pursuant to section 1384 of this title, issue regulations to implement this section.

**(2) Agency regulations**

The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Attorney General and the Secretary of Transportation to implement the statutory provisions referred to in subsection (b) of this section except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

**(3) Entity responsible for correction**

The regulations issued under paragraph (1) shall include a method of identifying, for purposes of this section and for categories of violations of subsection (b) of this section, the entity responsible for correction of a particular violation.

**(f) Periodic inspections; report to Congress; initial study**

**(1) Periodic inspections**

On a regular basis, and at least once each Congress, the General Counsel shall inspect the facilities of the entities listed in subsection (a) of this section to ensure compliance with subsection (b) of this section.

**(2) Report**

On the basis of each periodic inspection, the General Counsel shall, at least once every Congress, prepare and submit a report—



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(A) to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Office of the Architect of the Capitol, or other entity responsible, for correcting the violation of this section uncovered by such inspection, and

(B) containing the results of the periodic inspection, describing any steps necessary to correct any violation of this section, assessing any limitations in accessibility to and usability by individuals with disabilities associated with each violation, and the estimated cost and time needed for abatement.

**(3) Initial period for study and corrective action**

The period from January 23, 1995, until December 31, 1996, shall be available to the Office of the Architect of the Capitol and other entities subject to this section to identify any violations of subsection (b) of this section, to determine the costs of compliance, and to take any necessary corrective action to abate any violations. The Office shall assist the Office of the Architect of the Capitol and other entities listed in subsection (a) of this section by arranging for inspections and other technical assistance at their request. Prior to July 1, 1996, the General Counsel shall conduct a thorough inspection under paragraph (1) and shall submit the report under paragraph (2) for the One Hundred Fourth Congress.

**(4) Detailed personnel**

The Attorney General, the Secretary of Transportation, and the Architectural and Transportation Barriers Compliance Board may, on request of the Executive Director, detail to the Office such personnel as may be necessary to advise and assist the Office in carrying out its duties under this section.

**(g) Omitted**

**(h) Effective date**

**(1) In general**

Subsections (b), (c), and (d) of this section shall be effective on January 1, 1997.

**(2) General Accounting Office, Government Printing Office, and Library of Congress**

Subsection (g) of this section shall be effective 1 year after transmission to the Congress of the study under section 1371 of this title.

(Pub. L. 104-1, title II, §210, Jan. 23, 1995, 109 Stat. 13.)

REFERENCES IN TEXT

The Americans with Disabilities Act of 1990, referred to in subsec. (b)(2), is Pub. L. 101-336, July 26, 1990, 104 Stat. 327, as amended. Title II of the Act is classified generally to subchapter II (§12131 et seq.) of chapter 126 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of Title 42 and Tables.

Subsection (g) of this section, referred to in subsec. (h)(2), amended section 12209 of Title 42.

CODIFICATION

Section is comprised of section 210 of Pub. L. 104-1. Subsec. (g) of section 210 of Pub. L. 104-1 amended section 12209 of Title 42, The Public Health and Welfare.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1341, 1361, 1407, 1414, 1415, 1416, 1435 of this title.

PART C—OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in section 1407 of this title.

**§ 1341. Rights and protections under Occupational Safety and Health Act of 1970; procedures for remedy of violations**

P.L. 104-1  
Sec. 215

**(a) Occupational safety and health protections**

**(1) In general**

Each employing office and each covered employee shall comply with the provisions of section 5 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 654).

**(2) Definitions**

For purposes of the application under this section of the Occupational Safety and Health Act of 1970 [29 U.S.C. 651 et seq.]—

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

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

(C) the term “employing office” includes the General Accounting Office, the Library of Congress, and any entity listed in subsection (a) of section 1331 of this title that is responsible for correcting a violation of this section, irrespective of whether the entity has an employment relationship with any covered employee in any employing office in which such a violation occurs; and

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

**(b) Remedy**

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

**(c) Procedures**

**(1) Requests for inspections**

Upon written request of any employing office or covered employee, the General Counsel shall exercise the authorities granted to the Secretary of Labor by subsections (a), (d), (e), and (f) of section 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657(a), (d), (e), and (f)) to inspect and investigate places of employment under the jurisdiction of employing offices.

**(2) Citations, notices, and notifications**

For purposes of this section, the General Counsel shall exercise the authorities granted to the Secretary of Labor in sections 9 and 10 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 658 and 659), to issue—

(A) a citation or notice to any employing office responsible for correcting a violation of subsection (a) of this section; or

(B) a notification to any employing office that the General Counsel believes has failed

to correct a violation for which a citation has been issued within the period permitted for its correction.

**(3) Hearings and review**

If after issuing a citation or notification, the General Counsel determines that a violation has not been corrected, the General Counsel may file a complaint with the Office against the employing office named in the citation or notification. The complaint shall be submitted to a hearing officer for decision pursuant to subsections (b) through (h) of section 1405 of this title, subject to review by the Board pursuant to section 1406 of this title.

**(4) Variance procedures**

An employing office may request from the Board an order granting a variance from a standard made applicable by this section. For the purposes of this section, the Board shall exercise the authorities granted to the Secretary of Labor in sections 6(b)(6) and 6(d) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)(6) and 655(d)) to act on any employing office's request for a variance. The Board shall refer the matter to a hearing officer pursuant to subsections (b) through (h) of section 1405 of this title, subject to review by the Board pursuant to section 1406 of this title.

**(5) Judicial review**

The General Counsel or employing office aggrieved by a final decision of the Board under paragraph (3) or (4), may file a petition for review with the United States Court of Appeals for the Federal Circuit pursuant to section 1407 of this title.

**(6) Compliance date**

If new appropriated funds are necessary to correct a violation of subsection (a) of this section for which a citation is issued, or to comply with an order requiring correction of such a violation, correction or compliance shall take place as soon as possible, but not later than the end of the fiscal year following the fiscal year in which the citation is issued or the order requiring correction becomes final and not subject to further review.

**(d) Regulations to implement section**

**(1) In general**

The Board shall, pursuant to section 1384 of this title, issue regulations to implement this section.

**(2) Agency regulations**

The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) of this section except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

**(3) Employing office responsible for correction**

The regulations issued under paragraph (1) shall include a method of identifying, for pur-

poses of this section and for different categories of violations of subsection (a) of this section, the employing office responsible for correction of a particular violation.

**(e) Periodic inspections; report to Congress**

**(1) Periodic inspections**

On a regular basis, and at least once each Congress, the General Counsel, exercising the same authorities of the Secretary of Labor as under subsection (c)(1) of this section, shall conduct periodic inspections of all facilities of the House of Representatives, the Senate, the Capitol Guide Service, the Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, the Office of Technology Assessment, the Library of Congress, and the General Accounting Office to report on compliance with subsection (a) of this section.

**(2) Report**

On the basis of each periodic inspection, the General Counsel shall prepare and submit a report—

(A) to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Office of the Architect of the Capitol or other employing office responsible for correcting the violation of this section uncovered by such inspection, and

(B) containing the results of the periodic inspection, identifying the employing office responsible for correcting the violation of this section uncovered by such inspection, describing any steps necessary to correct any violation of this section, and assessing any risks to employee health and safety associated with any violation.

**(3) Action after report**

If a report identifies any violation of this section, the General Counsel shall issue a citation or notice in accordance with subsection (c)(2)(A) of this section.

**(4) Detailed personnel**

The Secretary of Labor may, on request of the Executive Director, detail to the Office such personnel as may be necessary to advise and assist the Office in carrying out its duties under this section.

**(f) Initial period for study and corrective action**

The period from January 23, 1995, until December 31, 1996, shall be available to the Office of the Architect of the Capitol and other employing offices to identify any violations of subsection (a) of this section, to determine the costs of compliance, and to take any necessary corrective action to abate any violations. The Office shall assist the Office of the Architect of the Capitol and other employing offices by arranging for inspections and other technical assistance at their request. Prior to July 1, 1996, the General Counsel shall conduct a thorough inspection under subsection (e)(1) of this section and shall submit the report under subsection (e)(2) of this section for the One Hundred Fourth Congress.

**(g) Effective date**

**(1) In general**

Except as provided in paragraph (2), subsections (a), (b), (c), and (e)(3) of this section shall be effective on January 1, 1997.

**(2) General Accounting Office and Library of Congress**

This section shall be effective with respect to the General Accounting Office and the Library of Congress 1 year after transmission to the Congress of the study under section 1371 of this title.

(Pub. L. 104-1, title II, §215, Jan. 23, 1995, 109 Stat. 16.)

REFERENCES IN TEXT

The Occupational Safety and Health Act of 1970, referred to in subsec. (a)(2), is Pub. L. 91-596, Dec. 29, 1970, 84 Stat. 1590, as amended, which is classified principally to chapter 15 (§651 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 651 of Title 29 and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1407, 1414, 1415, 1416 of this title.

PART D—LABOR-MANAGEMENT RELATIONS

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in section 1407 of this title.

P.L. 104-1  
Sec. 220

**§ 1351. Application of chapter 71 of title 5 relating to Federal service labor-management relations; procedures for remedy of violations**

**(a) Labor-management rights**

**(1) In general**

The rights, protections, and responsibilities established under sections 7102, 7106, 7111 through 7117, 7119 through 7122, and 7131 of title 5 shall apply to employing offices and to covered employees and representatives of those employees.

**(2) "Agency" defined**

For purposes of the application under this section of the sections referred to in paragraph (1), the term "agency" shall be deemed to include an employing office.

**(b) Remedy**

The remedy for a violation of subsection (a) of this section shall be such remedy, including a remedy under section 7118(a)(7) of title 5, as would be appropriate if awarded by the Federal Labor Relations Authority to remedy a violation of any provision made applicable by subsection (a) of this section.

**(c) Authorities and procedures for implementation and enforcement**

**(1) General authorities of Board; petitions**

For purposes of this section and except as otherwise provided in this section, the Board shall exercise the authorities of the Federal Labor Relations Authority under sections 7105, 7111, 7112, 7113, 7115, 7117, 7118, and 7122 of title 5 and of the President under section 7103(b) of title 5. For purposes of this section, any peti-

tion or other submission that, under chapter 71 of title 5, would be submitted to the Federal Labor Relations Authority shall, if brought under this section, be submitted to the Board. The Board shall refer any matter under this paragraph to a hearing officer for decision pursuant to subsections (b) through (h) of section 1405 of this title, subject to review by the Board pursuant to section 1406 of this title. The Board may direct that the General Counsel carry out the Board's investigative authorities under this paragraph.

**(2) General authorities of the General Counsel; charges of unfair labor practice**

For purposes of this section and except as otherwise provided in this section, the General Counsel shall exercise the authorities of the General Counsel of the Federal Labor Relations Authority under sections 7104 and 7118 of title 5. For purposes of this section, any charge or other submission that, under chapter 71 of title 5, would be submitted to the General Counsel of the Federal Labor Relations Authority shall, if brought under this section, be submitted to the General Counsel. If any person charges an employing office or a labor organization with having engaged in or engaging in an unfair labor practice and makes such charge within 180 days of the occurrence of the alleged unfair labor practice, the General Counsel shall investigate the charge and may file a complaint with the Office. The complaint shall be submitted to a hearing officer for decision pursuant to subsections (b) through (h) of section 1405 of this title, subject to review by the Board pursuant to section 1406 of this title.

**(3) Judicial review**

Except for matters referred to in paragraphs (1) and (2) of section 7123(a) of title 5, the General Counsel or the respondent to the complaint, if aggrieved by a final decision of the Board under paragraph (1) or (2) of this subsection, may file a petition for judicial review in the United States Court of Appeals for the Federal Circuit pursuant to section 1407 of this title.

**(4) Exercise of impasses panel authority; requests**

For purposes of this section and except as otherwise provided in this section, the Board shall exercise the authorities of the Federal Service Impasses Panel under section 7119 of title 5. For purposes of this section, any request that, under chapter 71 of title 5, would be presented to the Federal Service Impasses Panel shall, if made under this section, be presented to the Board. At the request of the Board, the Executive Director shall appoint a mediator or mediators to perform the functions of the Federal Service Impasses Panel under section 7119 of title 5.

**(d) Regulations to implement section**

**(1) In general**

The Board shall, pursuant to section 1384 of this title, issue regulations to implement this section.

**(2) Agency regulations**

Except as provided in subsection (e) of this section, the regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Federal Labor Relations Authority to implement the statutory provisions referred to in subsection (a) of this section except—

(A) to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; or

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

**(e) Specific regulations regarding application to certain offices of Congress****(1) Regulations required**

The Board shall issue regulations pursuant to section 1384 of this title on the manner and extent to which the requirements and exemptions of chapter 71 of title 5 should apply to covered employees who are employed in the offices listed in paragraph (2). The regulations shall, to the greatest extent practicable, be consistent with the provisions and purposes of chapter 71 of title 5 and of this chapter, and shall be the same as substantive regulations issued by the Federal Labor Relations Authority under chapter 71 of title 5, except—

(A) to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; and

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

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

(ii) Congress' constitutional responsibilities.

**(2) Offices referred to**

The offices referred to in paragraph (1) include—

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

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

(C) the Office of the Vice President (as President of the Senate), the Office of the President pro tempore of the Senate, the Office of the Majority Leader of the Senate, the Office of the Minority Leader of the Senate, the Office of the Majority Whip of the Senate, the Office of the Minority Whip of the Senate, the Conference of the Majority of the Senate, the Conference of the Minority of the Senate, the Office of the Secretary of the Conference of the Majority of the Senate, the Office of the Secretary of the Con-

ference of the Minority of the Senate, the Office of the Secretary for the Majority of the Senate, the Office of the Secretary for the Minority of the Senate, the Majority Policy Committee of the Senate, the Minority Policy Committee of the Senate, and the following offices within the Office of the Secretary of the Senate: Offices of the Parliamentarian, Bill Clerk, Legislative Clerk, Journal Clerk, Executive Clerk, Enrolling Clerk, Official Reporters of Debate, Daily Digest, Printing Services, Captioning Services, and Senate Chief Counsel for Employment;

(D) the Office of the Speaker of the House of Representatives, the Office of the Majority Leader of the House of Representatives, the Office of the Minority Leader of the House of Representatives, the Offices of the Chief Deputy Majority Whips, the Offices of the Chief Deputy Minority Whips and the following offices within the Office of the Clerk of the House of Representatives: Offices of Legislative Operations, Official Reporters of Debate, Official Reporters to Committees, Printing Services, and Legislative Information;

(E) the Office of the Legislative Counsel of the Senate, the Office of the Senate Legal Counsel, the Office of the Legislative Counsel of the House of Representatives, the Office of the General Counsel of the House of Representatives, the Office of the Parliamentarian of the House of Representatives, and the Office of the Law Revision Counsel;

(F) the offices of any caucus or party organization;

(G) the Congressional Budget Office, the Office of Technology Assessment, and the Office of Compliance; and

(H) such other offices that perform comparable functions which are identified under regulations of the Board.

**(f) Effective date****(1) In general**

Except as provided in paragraph (2), subsections (a) and (b) of this section shall be effective on October 1, 1996.

**(2) Certain offices**

With respect to the offices listed in subsection (e)(2) of this section, to the covered employees of such offices, and to representatives of such employees, subsections (a) and (b) of this section shall be effective on the effective date of regulations under subsection (e) of this section.

(Pub. L. 104-1, title II, §220, Jan. 23, 1995, 109 Stat. 19.)

## REFERENCES IN TEXT

This chapter, referred to in subsec. (e)(1), was in the original "this Act", meaning Pub. L. 104-1, Jan. 23, 1995, 109 Stat. 3, as amended, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of this title and Tables.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1407, 1411, 1414 of this title.

PART E—GENERAL

REFERENCES IN TEXT

P.L. 104-1 § 1361. Generally applicable remedies and limita-  
 Sec. 225 tions

(a) Attorney's fees

If a covered employee, with respect to any claim under this chapter, or a qualified person with a disability, with respect to any claim under section 1331 of this title, is a prevailing party in any proceeding under section 1405, 1406, 1407, or 1408 of this title, the hearing officer, Board, or court, as the case may be, may award attorney's fees, expert fees, and any other costs as would be appropriate if awarded under section 2000e-5(k) of title 42.

(b) Interest

In any proceeding under section 1405, 1406, 1407, or 1408 of this title, the same interest to compensate for delay in payment shall be made available as would be appropriate if awarded under section 2000e-16(d) of title 42.

(c) Civil penalties and punitive damages

No civil penalty or punitive damages may be awarded with respect to any claim under this chapter.

(d) Exclusive procedure

(1) In general

Except as provided in paragraph (2), no person may commence an administrative or judicial proceeding to seek a remedy for the rights and protections afforded by this chapter except as provided in this chapter.

(2) Veterans

A covered employee under section 1316 of this title may also utilize any provisions of chapter 43 of title 38 that are applicable to that employee.

(e) Scope of remedy

Only a covered employee who has undertaken and completed the procedures described in sections 1402 and 1403 of this title may be granted a remedy under part A of this subchapter.

(f) Construction

(1) Definitions and exemptions

Except where inconsistent with definitions and exemptions provided in this chapter, the definitions and exemptions in the laws made applicable by this chapter shall apply under this chapter.

(2) Size limitations

Notwithstanding paragraph (1), provisions in the laws made applicable under this chapter (other than the Worker Adjustment and Retraining Notification Act [29 U.S.C. 2101 et seq.]) determining coverage based on size, whether expressed in terms of numbers of employees, amount of business transacted, or other measure, shall not apply in determining coverage under this chapter.

(3) Executive branch enforcement

This chapter shall not be construed to authorize enforcement by the executive branch of this chapter.

(Pub. L. 104-1, title II, §225, Jan. 23, 1995, 109 Stat. 22.)

This chapter, referred to in subsecs. (a), (c), (d)(1), and (f), was in the original "this Act", meaning Pub. L. 104-1, Jan. 23, 1995, 109 Stat. 3, as amended, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of this title and Tables.

Part A of this subchapter, referred to in subsec. (e), was in the original "part A of this title", meaning part A (§§201-207) of title II of Pub. L. 104-1, Jan. 23, 1995, 109 Stat. 7, which enacted part A of this subchapter and amended section 6381 of Title 5, Government Organization and Employees, sections 203, 633a, 2611, and 2617 of Title 29, Labor, and sections 2000e-16 and 12209 of Title 42, The Public Health and Welfare. For complete classification of part A to the Code, see Tables.

The Worker Adjustment and Retraining Notification Act, referred to in subsec. (f)(2), is Pub. L. 100-379, Aug. 4, 1988, 102 Stat. 890, which is classified generally to chapter 23 (§2101 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 2101 of Title 29 and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1316a of this title.

PART F—STUDY

§ 1371. Study and recommendations regarding General Accounting Office, Government Printing Office, and Library of Congress

P.L. 104-1  
 Sec. 230

(a) In general

The Board shall undertake a study of—

(1) the application of the laws listed in subsection (b) of this section to—

- (A) the General Accounting Office;
- (B) the Government Printing Office; and
- (C) the Library of Congress; and

(2) the regulations and procedures used by the entities referred to in paragraph (1) to apply and enforce such laws to themselves and their employees.

(b) Applicable statutes

The study under this section shall consider the application of the following laws:

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

(2) The Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), and related provisions of section 2302 of title 5.

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

(4) The Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.), and related provisions of sections 6381 through 6387 of title 5.

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

(6) The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), and related provisions of section 7902 of title 5.

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

(8) Chapter 71 (relating to Federal service labor-management relations) of title 5.

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

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

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

(12) Chapter 43 (relating to veterans' employment and reemployment) of title 38.

**(c) Contents of study and recommendations**

The study under this section shall evaluate whether the rights, protections, and procedures, including administrative and judicial relief, applicable to the entities listed in paragraph (1) of subsection (a) of this section and their employees are comprehensive and effective and shall include recommendations for any improvements in regulations or legislation, including proposed regulatory or legislative language.

**(d) Deadline and delivery of study**

Not later than December 31, 1996—

(1) the Board shall prepare and complete the study and recommendations required under this section; and

(2) the Board shall transmit such study and recommendations (with the Board's comments) to the head of each entity considered in the study, and to the Congress by delivery to the Speaker of the House of Representatives and President pro tempore of the Senate for referral to the appropriate committees of the House of Representatives and of the Senate.

(Pub. L. 104-1, title II, §230, Jan. 23, 1995, 109 Stat. 23; Pub. L. 104-53, title III, §309(a), (b), Nov. 19, 1995, 109 Stat. 538.)

REFERENCES IN TEXT

The Civil Rights Act of 1964, referred to in subsec. (b)(1), is Pub. L. 88-352, July 2, 1964, 78 Stat. 252, as amended. Title VII of the Act is classified generally to subchapter VI (§2000e et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

The Age Discrimination in Employment Act of 1967, referred to in subsec. (b)(2), is Pub. L. 90-202, Dec. 15, 1967, 81 Stat. 602, as amended, which is classified generally to chapter 14 (§621 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 29 and Tables.

The Americans with Disabilities Act of 1990, referred to in subsec. (b)(3), is Pub. L. 101-336, July 26, 1990, 104 Stat. 327, as amended, which is classified principally to chapter 126 (§12101 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of Title 42 and Tables.

The Family and Medical Leave Act of 1993, referred to in subsec. (b)(4), is Pub. L. 103-3, Feb. 5, 1993, 107 Stat. 6, as amended, which enacted sections 60m and 60n of this title, sections 6381 to 6387 of Title 5, Government Organization and Employees, and chapter 28 (§2601 et seq.) of Title 29, Labor, amended section 2105 of Title 5, and enacted provisions set out as notes under section 2601 of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of Title 29 and Tables.

The Fair Labor Standards Act of 1938, referred to in subsec. (b)(5), is act June 25, 1938, ch. 676, 52 Stat. 1060, as amended, which is classified generally to chapter 8 (§201 et seq.) of Title 29. For complete classification of this Act to the Code, see section 201 of Title 29 and Tables.

The Occupational Safety and Health Act of 1970, referred to in subsec. (b)(6), is Pub. L. 91-596, Dec. 29, 1970, 84 Stat. 1590, as amended, which is classified principally to chapter 15 (§651 et seq.) of Title 29. For complete

classification of this Act to the Code, see Short Title note set out under section 651 of Title 29 and Tables.

The Rehabilitation Act of 1973, referred to in subsec. (b)(7), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355, as amended, which is classified generally to chapter 16 (§701 et seq.) of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

The General Accounting Office Personnel Act of 1980, referred to in subsec. (b)(9), is Pub. L. 96-191, Feb. 15, 1980, 94 Stat. 27, which was classified principally to section 52-1 et seq. of former Title 31, Money and Finance, and which was substantially repealed by Pub. L. 97-258, §5(b), Sept. 13, 1982, 96 Stat. 1068, and reenacted by the first section thereof principally in subchapters III (§731 et seq.) and IV (§751 et seq.) of chapter 7 of Title 31, Money and Finance.

The Employee Polygraph Protection Act of 1988, referred to in subsec. (b)(10), is Pub. L. 100-347, June 27, 1988, 102 Stat. 646, as amended, which is classified generally to chapter 22 (§2001 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 2001 of Title 29 and Tables.

The Worker Adjustment and Retraining Notification Act, referred to in subsec. (b)(11), is Pub. L. 100-379, Aug. 4, 1988, 102 Stat. 890, which is classified generally to chapter 23 (§2101 et seq.) of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 2101 of Title 29 and Tables.

AMENDMENTS

1995—Subsec. (a). Pub. L. 104-53, §309(a), substituted "Board" for "Administrative Conference of the United States" in introductory provisions.

Subsec. (d)(1). Pub. L. 104-53, §309(b), substituted "Board" for "Administrative Conference of the United States" and struck out "and shall submit the study and recommendations to the Board" before semicolon.

EFFECTIVE DATE OF 1995 AMENDMENT

Section 309(c) of Pub. L. 104-53 provided that: "The amendments made by this section [amending this section] shall take effect only if the Administrative Conference of the United States ceases to exist prior to the completion and submission of the study to the Board as required by section 230 of the Congressional Accountability Act of 1995 (2 U.S.C. 1371). [See provision of title II of Pub. L. 104-52, set out as a note preceding section 591 of Title 5, Government Organization and Employees.]"

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1312, 1314, 1315, 1316, 1331, 1341 of this title.

SUBCHAPTER III—OFFICE OF COMPLIANCE

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1434 of this title.

**§ 1381. Establishment of Office of Compliance**

P.L. 104-1  
Sec. 301

**(a) Establishment**

There is established, as an independent office within the legislative branch of the Federal Government, the Office of Compliance.

**(b) Board of Directors**

The Office shall have a Board of Directors. The Board shall consist of 5 individuals appointed jointly by the Speaker of the House of Representatives, the Majority Leader of the Senate, and the Minority Leaders of the House of Representatives and the Senate. Appointments of the first 5 members of the Board shall be completed not later than 90 days after January 23, 1995.

**(c) Chair**

The Chair shall be appointed from members of the Board jointly by the Speaker of the House of Representatives, the Majority Leader of the Senate, and the Minority Leaders of the House of Representatives and the Senate.

**(d) Board of Directors qualifications****(1) Specific qualifications**

Selection and appointment of members of the Board shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office. Members of the Board shall have training or experience in the application of the rights, protections, and remedies under one or more of the laws made applicable under section 1302 of this title.

**(2) Disqualifications for appointments****(A) Lobbying**

No individual who engages in, or is otherwise employed in, lobbying of the Congress and who is required under the Federal Regulation of Lobbying Act<sup>1</sup> to register with the Clerk of the House of Representatives or the Secretary of the Senate shall be eligible for appointment to, or service on, the Board.

**(B) Incompatible office**

No member of the Board appointed under subsection (b) of this section may hold or may have held the position of Member of the House of Representatives or Senator, may hold the position of officer or employee of the House of Representatives, Senate, or instrumentality or other entity of the legislative branch, or may have held such a position (other than the position of an officer or employee of the General Accounting Office Personnel Appeals Board, an officer or employee of the Office of Fair Employment Practices of the House of Representatives, or officer or employee of the Office of Senate Fair Employment Practices) within 4 years of the date of appointment.

**(3) Vacancies**

A vacancy on the Board shall be filled in the manner in which the original appointment was made.

**(e) Term of office****(1) In general**

Except as provided in paragraph (2), membership on the Board shall be for 5 years. A member of the Board who is appointed to a term of office of more than 3 years shall only be eligible for appointment for a single term of office.

**(2) First appointments**

Of the members first appointed to the Board—

- (A) 1 shall have a term of office of 3 years,
- (B) 2 shall have a term of office of 4 years, and
- (C) 2 shall have a term of office of 5 years, 1 of whom shall be the Chair,

as designated at the time of appointment by the persons specified in subsection (b) of this section.

<sup>1</sup> See References in Text note below.

**(f) Removal****(1) Authority**

Any member of the Board may be removed from office by a majority decision of the appointing authorities described in subsection (b) of this section, but only for—

- (A) disability that substantially prevents the member from carrying out the duties of the member,
- (B) incompetence,
- (C) neglect of duty,
- (D) malfeasance, including a felony or conduct involving moral turpitude, or
- (E) holding an office or employment or engaging in an activity that disqualifies the individual from service as a member of the Board under subsection (d)(2) of this section.

**(2) Statement of reasons for removal**

In removing a member of the Board, the Speaker of the House of Representatives and the President pro tempore of the Senate shall state in writing to the member of the Board being removed the specific reasons for the removal.

**(g) Compensation****(1) Per diem**

Each member of the Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5 for each day (including travel time) during which such member is engaged in the performance of the duties of the Board. The rate of pay of a member may be prorated based on the portion of the day during which the member is engaged in the performance of Board duties.

**(2) Travel expenses**

Each member of the Board shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

**(h) Duties**

The Office shall—

(1) carry out a program of education for Members of Congress and other employing authorities of the legislative branch of the Federal Government respecting the laws made applicable to them and a program to inform individuals of their rights under laws applicable to the legislative branch of the Federal Government;

(2) in carrying out the program under paragraph (1), distribute the telephone number and address of the Office, procedures for action under subchapter IV of this chapter, and any other information appropriate for distribution, distribute such information to employing offices in a manner suitable for posting, provide such information to new employees of employing offices, distribute such information to the residences of covered employees, and conduct seminars and other activities designed to educate employing offices and covered employees; and

(3) compile and publish statistics on the use of the Office by covered employees, including the number and type of contacts made with the Office, on the reason for such contacts, on the number of covered employees who initiated proceedings with the Office under this chapter and the result of such proceedings, and on the number of covered employees who filed a complaint, the basis for the complaint, and the action taken on the complaint.

**(i) Congressional oversight**

The Board and the Office shall be subject to oversight (except with respect to the disposition of individual cases) by the Committee on Rules and Administration and the Committee on Governmental Affairs of the Senate and the Committee on House Oversight of the House of Representatives.

**(j) Opening of Office**

The Office shall be open for business, including receipt of requests for counseling under section 1402 of this title, not later than 1 year after January 23, 1995.

**(k) Financial disclosure reports**

Members of the Board and officers and employees of the Office shall file the financial disclosure reports required under title I of the Ethics in Government Act of 1978 with the Clerk of the House of Representatives.

(Pub. L. 104-1, title III, §301, Jan. 23, 1995, 109 Stat. 24.)

REFERENCES IN TEXT

The Federal Regulation of Lobbying Act, referred to in subsec. (d)(2)(A), is title III of act Aug. 2, 1946, ch. 753, 60 Stat. 839, which was classified generally to chapter 8A (§261 et seq.) of this title prior to repeal by Pub. L. 104-65, §11(a), Dec. 19, 1995, 109 Stat. 701. See section 1601 et seq. of this title.

This chapter, referred to in subsec. (h)(3), was in the original "this Act", meaning Pub. L. 104-1, Jan. 23, 1995, 109 Stat. 3, as amended, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of this title and Tables.

The Ethics in Government Act of 1978, referred to in subsec. (k), is Pub. L. 95-521, Oct. 26, 1978, 92 Stat. 1824, as amended. Title I of the Act is set out in the Appendix to Title 5, Government Organization and Employees. For complete classification of this Act to the Code, see Short Title note set out under section 101 of Pub. L. 95-521 in the Appendix to Title 5 and Tables.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1382 of this title.

P.L. 104-1 § 1382. Officers, staff, and other personnel

Sec. 302

**(a) Executive Director**

**(1) Appointment and removal**

**(A) In general**

The Chair, subject to the approval of the Board, shall appoint and may remove an Executive Director. Selection and appointment of the Executive Director shall be without

regard to political affiliation and solely on the basis of fitness to perform the duties of the Office. The first Executive Director shall be appointed no later than 90 days after the initial appointment of the Board of Directors.

**(B) Qualifications**

The Executive Director shall be an individual with training or expertise in the application of laws referred to in section 1302(a) of this title.

**(C) Disqualifications**

The disqualifications in section 1381(d)(2) of this title shall apply to the appointment of the Executive Director.

**(2) Compensation**

The Chair may fix the compensation of the Executive Director. The rate of pay for the Executive Director may not exceed the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5.

**(3) Term**

The term of office of the Executive Director shall be a single term of 5 years, except that the first Executive Director shall have a single term of 7 years.

**(4) Duties**

The Executive Director shall serve as the chief operating officer of the Office. Except as otherwise specified in this chapter, the Executive Director shall carry out all of the responsibilities of the Office under this chapter.

**(b) Deputy Executive Directors**

**(1) In general**

The Chair, subject to the approval of the Board, shall appoint and may remove a Deputy Executive Director for the Senate and a Deputy Executive Director for the House of Representatives. Selection and appointment of a Deputy Executive Director shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the office. The disqualifications in section 1381(d)(2) of this title shall apply to the appointment of a Deputy Executive Director.

**(2) Term**

The term of office of a Deputy Executive Director shall be a single term of 5 years, except that the first Deputy Executive Directors shall have a single term of 6 years.

**(3) Compensation**

The Chair may fix the compensation of the Deputy Executive Directors. The rate of pay for a Deputy Executive Director may not exceed 96 percent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5.

**(4) Duties**

The Deputy Executive Director for the Senate shall recommend to the Board regulations under section 1384(a)(2)(B)(i) of this title, maintain the regulations and all records pertaining to the regulations, and shall assume such other responsibilities as may be dele-



gated by the Executive Director. The Deputy Executive Director for the House of Representatives shall recommend to the Board the regulations under section 1384(a)(2)(B)(ii) of this title, maintain the regulations and all records pertaining to the regulations, and shall assume such other responsibilities as may be delegated by the Executive Director.

**(c) General Counsel**

**(1) In general**

The Chair, subject to the approval of the Board, shall appoint a General Counsel. Selection and appointment of the General Counsel shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office. The disqualifications in section 1381(d)(2) of this title shall apply to the appointment of a General Counsel.

**(2) Compensation**

The Chair may fix the compensation of the General Counsel. The rate of pay for the General Counsel may not exceed the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5.

**(3) Duties**

The General Counsel shall—

(A) exercise the authorities and perform the duties of the General Counsel as specified in this chapter; and

(B) otherwise assist the Board and the Executive Director in carrying out their duties and powers, including representing the Office in any judicial proceeding under this chapter.

**(4) Attorneys in the office of the General Counsel**

The General Counsel shall appoint, and fix the compensation of, and may remove, such additional attorneys as may be necessary to enable the General Counsel to perform the General Counsel's duties.

**(5) Term**

The term of office of the General Counsel shall be a single term of 5 years.

**(6) Removal**

**(A) Authority**

The General Counsel may be removed from office by the Chair but only for—

(i) disability that substantially prevents the General Counsel from carrying out the duties of the General Counsel,

(ii) incompetence,

(iii) neglect of duty,

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

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

**(B) Statement of reasons for removal**

In removing the General Counsel, the Speaker of the House of Representatives and the President pro tempore of the Senate shall state in writing to the General Counsel the specific reasons for the removal.

**(d) Other staff**

The Executive Director shall appoint, and fix the compensation of, and may remove, such

other additional staff, including hearing officers, but not including attorneys employed in the office of the General Counsel, as may be necessary to enable the Office to perform its duties.

**(e) Detailed personnel**

The Executive Director may, with the prior consent of the department or agency of the Federal Government concerned, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency, including the services of members or personnel of the General Accounting Office Personnel Appeals Board.

**(f) Consultants**

In carrying out the functions of the Office, the Executive Director may procure the temporary (not to exceed 1 year) or intermittent services of consultants.

(Pub. L. 104-1, title III, §302, Jan. 23, 1995, 109 Stat. 26.)

**§ 1383. Procedural rules**

**(a) In general**

The Executive Director shall, subject to the approval of the Board, adopt rules governing the procedures of the Office, including the procedures of hearing officers, which shall be submitted for publication in the Congressional Record. The rules may be amended in the same manner.

**(b) Procedure**

The Executive Director shall adopt rules referred to in subsection (a) of this section in accordance with the principles and procedures set forth in section 553 of title 5. The Executive Director shall publish a general notice of proposed rulemaking under section 553(b) of title 5, but, instead of publication of a general notice of proposed rulemaking in the Federal Register, the Executive Director shall transmit such notice to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal. Before adopting rules, the Executive Director shall provide a comment period of at least 30 days after publication of a general notice of proposed rulemaking. Upon adopting rules, the Executive Director shall transmit notice of such action together with a copy of such rules to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal. Rules shall be considered issued by the Executive Director as of the date on which they are published in the Congressional Record.

(Pub. L. 104-1, title III, §303, Jan. 23, 1995, 109 Stat. 28.)

**§ 1384. Substantive regulations**

**(a) Regulations**

**(1) In general**

The procedures applicable to the regulations of the Board issued for the implementation of

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Sec. 303

P.L. 104-1  
Sec. 304

this chapter, which shall include regulations the Board is required to issue under subchapter II of this chapter (including regulations on the appropriate application of exemptions under the laws made applicable in subchapter II of this chapter) are as prescribed in this section.

**(2) Rulemaking procedure**

Such regulations of the Board—

(A) shall be adopted, approved, and issued in accordance with subsection (b) of this section; and

(B) shall consist of 3 separate bodies of regulations, which shall apply, respectively, to—

(i) the Senate and employees of the Senate;

(ii) the House of Representatives and employees of the House of Representatives; and

(iii) all other covered employees and employing offices.

**(b) Adoption by Board**

The Board shall adopt the regulations referred to in subsection (a)(1) of this section in accordance with the principles and procedures set forth in section 553 of title 5 and as provided in the following provisions of this subsection:

**(1) Proposal**

The Board shall publish a general notice of proposed rulemaking under section 553(b) of title 5, but, instead of publication of a general notice of proposed rulemaking in the Federal Register, the Board shall transmit such notice to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal. Such notice shall set forth the recommendations of the Deputy Director for the Senate in regard to regulations under subsection (a)(2)(B)(i) of this section, the recommendations of the Deputy Director for the House of Representatives in regard to regulations under subsection (a)(2)(B)(ii) of this section, and the recommendations of the Executive Director for regulations under subsection (a)(2)(B)(iii) of this section.

**(2) Comment**

Before adopting regulations, the Board shall provide a comment period of at least 30 days after publication of a general notice of proposed rulemaking.

**(3) Adoption**

After considering comments, the Board shall adopt regulations and shall transmit notice of such action together with a copy of such regulations to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal.

**(4) Recommendation as to method of approval**

The Board shall include a recommendation in the general notice of proposed rulemaking

and in the regulations as to whether the regulations should be approved by resolution of the Senate, by resolution of the House of Representatives, by concurrent resolution, or by joint resolution.

**(c) Approval of regulations**

**(1) In general**

Regulations referred to in paragraph (2)(B)(i) of subsection (a) of this section may be approved by the Senate by resolution or by the Congress by concurrent resolution or by joint resolution. Regulations referred to in paragraph (2)(B)(ii) of subsection (a) of this section may be approved by the House of Representatives by resolution or by the Congress by concurrent resolution or by joint resolution. Regulations referred to in paragraph (2)(B)(iii) may be approved by Congress by concurrent resolution or by joint resolution.

**(2) Referral**

Upon receipt of a notice of adoption of regulations under subsection (b)(3) of this section, the presiding officers of the House of Representatives and the Senate shall refer such notice, together with a copy of such regulations, to the appropriate committee or committees of the House of Representatives and of the Senate. The purpose of the referral shall be to consider whether such regulations should be approved, and, if so, whether such approval should be by resolution of the House of Representatives or of the Senate, by concurrent resolution or by joint resolution.

**(3) Joint referral and discharge in the Senate**

The presiding officer of the Senate may refer the notice of issuance of regulations, or any resolution of approval of regulations, to one committee or jointly to more than one committee. If a committee of the Senate acts to report a jointly referred measure, any other committee of the Senate must act within 30 calendar days of continuous session, or be automatically discharged.

**(4) One-House resolution or concurrent resolution**

In the case of a resolution of the House of Representatives or the Senate or a concurrent resolution referred to in paragraph (1), the matter after the resolving clause shall be the following: "The following regulations issued by the Office of Compliance on \_\_\_\_\_ are hereby approved:" (the blank space being appropriately filled in, and the text of the regulations being set forth).

**(5) Joint resolution**

In the case of a joint resolution referred to in paragraph (1), the matter after the resolving clause shall be the following: "The following regulations issued by the Office of Compliance on \_\_\_\_\_ are hereby approved and shall have the force and effect of law:" (the blank space being appropriately filled in, and the text of the regulations being set forth).

**(d) Issuance and effective date**

**(1) Publication**

After approval of regulations under subsection (c) of this section, the Board shall sub-

mit the regulations to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal.

**(2) Date of issuance**

The date of issuance of regulations shall be the date on which they are published in the Congressional Record under paragraph (1).

**(3) Effective date**

Regulations shall become effective not less than 60 days after the regulations are issued, except that the Board may provide for an earlier effective date for good cause found (within the meaning of section 553(d)(3) of title 5) and published with the regulation.

**(e) Amendment of regulations**

Regulations may be amended in the same manner as is described in this section for the adoption, approval, and issuance of regulations, except that the Board may, in its discretion, dispense with publication of a general notice of proposed rulemaking of minor, technical, or urgent amendments that satisfy the criteria for dispensing with publication of such notice pursuant to section 553(b)(B) of title 5.

**(f) Right to petition for rulemaking**

Any interested party may petition to the Board for the issuance, amendment, or repeal of a regulation.

**(g) Consultation**

The Executive Director, the Deputy Directors, and the Board—

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

- (A) the Chair of the Administrative Conference of the United States;
- (B) the Secretary of Labor;
- (C) the Federal Labor Relations Authority; and
- (D) the Director of the Office of Personnel Management; and

(2) may consult with any other persons with whom consultation, in the opinion of the Board, the Executive Director, or Deputy Directors, may be helpful.

(Pub. L. 104-1, title III, §304, Jan. 23, 1995, 109 Stat. 29.)

REFERENCES IN TEXT

Subchapter II of this chapter, referred to in subsec. (a)(1), was in the original "title II", meaning title II of Pub. L. 104-1, Jan. 23, 1995, 109 Stat. 7, as amended, which enacted subchapter II of this chapter and amended section 6381 of Title 5, Government Organization and Employees, sections 203, 633a, 2611, and 2617 of Title 29, Labor, and sections 2000e-16 and 12209 of Title 42, The Public Health and Welfare. For complete classification of title II to the Code, see Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1312, 1313, 1314, 1315, 1316, 1316a, 1331, 1341, 1351, 1382, 1409, 1431 of this title.

P.L. 104-1 § 1385. Expenses

Sec. 305 (a) Authorization of appropriations

Beginning in fiscal year 1995, and for each fiscal year thereafter, there are authorized to be

appropriated for the expenses of the Office such sums as may be necessary to carry out the functions of the Office. Until sums are first appropriated pursuant to the preceding sentence, but for a period not exceeding 12 months following January 23, 1995—

(1) one-half of the expenses of the Office shall be paid from funds appropriated for allowances and expenses of the House of Representatives, and

(2) one-half of the expenses of the Office shall be paid from funds appropriated for allowances and expenses of the Senate,

upon vouchers approved by the Executive Director, except that a voucher shall not be required for the disbursement of salaries of employees who are paid at an annual rate. The Clerk of the House of Representatives and the Secretary of the Senate are authorized to make arrangements for the division of expenses under this subsection, including arrangements for one House of Congress to reimburse the other House of Congress.

**(b) Financial and administrative services**

The Executive Director may place orders and enter into agreements for goods and services with the head of any agency, or major organizational unit within an agency, in the legislative or executive branch of the United States in the same manner and to the same extent as agencies are authorized under sections 1535 and 1536 of title 31 to place orders and enter into agreements.

**(c) Witness fees and allowances**

Except for covered employees, witnesses before a hearing officer or the Board in any proceeding under this chapter other than rulemaking shall be paid the same fee and mileage allowances as are paid subpoenaed witnesses in the courts of the United States. Covered employees who are summoned, or are assigned by their employer, to testify in their official capacity or to produce official records in any proceeding under this chapter shall be entitled to travel expenses under subchapter I and section 5751 of chapter 57 of title 5.

(Pub. L. 104-1, title III, §305, Jan. 23, 1995, 109 Stat. 31.)

SUBCHAPTER IV—ADMINISTRATIVE AND JUDICIAL DISPUTE-RESOLUTION PROCEDURES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1381, 1434 of this title.

**§ 1401. Procedure for consideration of alleged violations**

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Sec. 401

Except as otherwise provided, the procedure for consideration of alleged violations of part A of subchapter II of this chapter consists of—

- (1) counseling as provided in section 1402 of this title;
- (2) mediation as provided in section 1403 of this title; and
- (3) election, as provided in section 1404 of this title, of either—

(A) a formal complaint and hearing as provided in section 1405 of this title, subject to

Board review as provided in section 1406 of this title, and judicial review in the United States Court of Appeals for the Federal Circuit as provided in section 1407 of this title, or

(B) a civil action in a district court of the United States as provided in section 1408 of this title.

In the case of an employee of the Office of the Architect of the Capitol or of the Capitol Police, the Executive Director, after receiving a request for counseling under section 1402 of this title, may recommend that the employee use the grievance procedures of the Architect of the Capitol or the Capitol Police for resolution of the employee's grievance for a specific period of time, which shall not count against the time available for counseling or mediation.

(Pub. L. 104-1, title IV, §401, Jan. 23, 1995, 109 Stat. 32.)

REFERENCES IN TEXT

Part A of subchapter II of this chapter, referred to in text, was in the original "part A of title II", meaning part A (§§201-207) of title II of Pub. L. 104-1, Jan. 23, 1995, 109 Stat. 7, as amended, which enacted part A of subchapter II of this chapter and amended section 6381 of Title 5, Government Organization and Employees, sections 203, 633a, 2611, and 2617 of Title 29, Labor, and sections 2000e-16 and 12209 of Title 42, The Public Health and Welfare. For complete classification of part A to the Code, see Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1316a, 1414 of this title.

P.L. 104-1 § 1402. Counseling  
Sec. 402

(a) In general

To commence a proceeding, a covered employee alleging a violation of a law made applicable under part A of subchapter II of this chapter shall request counseling by the Office. The Office shall provide the employee with all relevant information with respect to the rights of the employee. A request for counseling shall be made not later than 180 days after the date of the alleged violation.

(b) Period of counseling

The period for counseling shall be 30 days unless the employee and the Office agree to reduce the period. The period shall begin on the date the request for counseling is received.

(c) Notification of end of counseling period

The Office shall notify the employee in writing when the counseling period has ended.

(Pub. L. 104-1, title IV, §402, Jan. 23, 1995, 109 Stat. 32.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 452, 1361, 1381, 1401, 1403, 1408, 1435 of this title.

P.L. 104-1 § 1403. Mediation  
Sec. 403

(a) Initiation

Not later than 15 days after receipt by the employee of notice of the end of the counseling period under section 1402 of this title, but prior to and as a condition of making an election under

section 1404 of this title, the covered employee who alleged a violation of a law shall file a request for mediation with the Office.

(b) Process

Mediation under this section—

(1) may include the Office, the covered employee, the employing office, and one or more individuals appointed by the Executive Director after considering recommendations by organizations composed primarily of individuals experienced in adjudicating or arbitrating personnel matters, and

(2) shall involve meetings with the parties separately or jointly for the purpose of resolving the dispute between the covered employee and the employing office.

(c) Mediation period

The mediation period shall be 30 days beginning on the date the request for mediation is received. The mediation period may be extended for additional periods at the joint request of the covered employee and the employing office. The Office shall notify in writing the covered employee and the employing office when the mediation period has ended.

(d) Independence of mediation process

No individual, who is appointed by the Executive Director to mediate, may conduct or aid in a hearing conducted under section 1405 of this title with respect to the same matter or shall be subject to subpoena or any other compulsory process with respect to the same matter.

(Pub. L. 104-1, title IV, §403, Jan. 23, 1995, 109 Stat. 32.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 452, 1331, 1361, 1401, 1405, 1408, 1435 of this title.

§ 1404. Election of proceeding

Not later than 90 days after a covered employee receives notice of the end of the period of mediation, but no sooner than 30 days after receipt of such notification, such covered employee may either—

(1) file a complaint with the Office in accordance with section 1405 of this title, or

(2) file a civil action in accordance with section 1408 of this title in the United States district court for the district in which the employee is employed or for the District of Columbia.

(Pub. L. 104-1, title IV, §404, Jan. 23, 1995, 109 Stat. 33.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1401, 1403, 1408 of this title.

§ 1405. Complaint and hearing

(a) In general

A covered employee may, upon the completion of mediation under section 1403 of this title, file a complaint with the Office. The respondent to the complaint shall be the employing office—

(1) involved in the violation, or

(2) in which the violation is alleged to have occurred,

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Sec. 404

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Sec. 405

and about which mediation was conducted.

**(b) Dismissal**

A hearing officer may dismiss any claim that the hearing officer finds to be frivolous or that fails to state a claim upon which relief may be granted.

**(c) Hearing officer**

**(1) Appointment**

Upon the filing of a complaint, the Executive Director shall appoint an independent hearing officer to consider the complaint and render a decision. No Member of the House of Representatives, Senator, officer of either the House of Representatives or the Senate, head of an employing office, member of the Board, or covered employee may be appointed to be a hearing officer. The Executive Director shall select hearing officers on a rotational or random basis from the lists developed under paragraph (2). Nothing in this section shall prevent the appointment of hearing officers as full-time employees of the Office or the selection of hearing officers on the basis of specialized expertise needed for particular matters.

**(2) Lists**

The Executive Director shall develop master lists, composed of—

(A) members of the bar of a State or the District of Columbia and retired judges of the United States courts who are experienced in adjudicating or arbitrating the kinds of personnel and other matters for which hearings may be held under this chapter, and

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

In developing lists, the Executive Director shall consider candidates recommended by the Federal Mediation and Conciliation Service or the Administrative Conference of the United States.

**(d) Hearing**

Unless a complaint is dismissed before a hearing, a hearing shall be—

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

(2) commenced no later than 60 days after filing of the complaint under subsection (a) of this section, except that the Office may, for good cause, extend up to an additional 30 days the time for commencing a hearing; and

(3) conducted, except as specifically provided in this chapter and to the greatest extent practicable, in accordance with the principles and procedures set forth in sections 554 through 557 of title 5.

**(e) Discovery**

Reasonable prehearing discovery may be permitted at the discretion of the hearing officer.

**(f) Subpoenas**

**(1) In general**

At the request of a party, a hearing officer may issue subpoenas for the attendance of wit-

nesses and for the production of correspondence, books, papers, documents, and other records. The attendance of witnesses and the production of records may be required from any place within the United States. Subpoenas shall be served in the manner provided under rule 45(b) of the Federal Rules of Civil Procedure.

**(2) Objections**

If a person refuses, on the basis of relevance, privilege, or other objection, to testify in response to a question or to produce records in connection with a proceeding before a hearing officer, the hearing officer shall rule on the objection. At the request of the witness or any party, the hearing officer shall (or on the hearing officer's own initiative, the hearing officer may) refer the ruling to the Board for review.

**(3) Enforcement**

**(A) In general**

If a person fails to comply with a subpoena, the Board may authorize the General Counsel to apply, in the name of the Office, to an appropriate United States district court for an order requiring that person to appear before the hearing officer to give testimony or produce records. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey a lawful order of the district court issued pursuant to this section may be held by such court to be a civil contempt thereof.

**(B) Service of process**

Process in an action or contempt proceeding pursuant to subparagraph (A) may be served in any judicial district in which the person refusing or failing to comply, or threatening to refuse or not to comply, resides, transacts business, or may be found, and subpoenas for witnesses who are required to attend such proceedings may run into any other district.

**(g) Decision**

The hearing officer shall issue a written decision as expeditiously as possible, but in no case more than 90 days after the conclusion of the hearing. The written decision shall be transmitted by the Office to the parties. The decision shall state the issues raised in the complaint, describe the evidence in the record, contain findings of fact and conclusions of law, contain a determination of whether a violation has occurred, and order such remedies as are appropriate pursuant to subchapter II of this chapter. The decision shall be entered in the records of the Office. If a decision is not appealed under section 1406 of this title to the Board, the decision shall be considered the final decision of the Office.

**(h) Precedents**

A hearing officer who conducts a hearing under this section shall be guided by judicial decisions under the laws made applicable by section 1302 of this title and by Board decisions under this chapter.

(Pub. L. 104-1, title IV, §405, Jan. 23, 1995, 109 Stat. 33.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (c)(2)(A), (d)(3), and (h), was in the original "this Act", meaning Pub. L. 104-1, Jan. 23, 1995, 109 Stat. 3, as amended, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of this title and Tables.

Rule 45(b) of the Federal Rules of Civil Procedure, referred to in subsec. (f)(1), is set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

Subchapter II of this chapter, referred to in subsec. (g), was in the original "title II", meaning title II of Pub. L. 104-1, Jan. 23, 1995, 109 Stat. 7, as amended, which enacted subchapter II of this chapter and amended section 6381 of Title 5, Government Organization and Employees, sections 203, 633a, 2611, and 2617 of Title 29, Labor, and sections 2000e-16 and 12209 of Title 42, The Public Health and Welfare. For complete classification of title II to the Code, see Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1331, 1341, 1351, 1361, 1401, 1403, 1404, 1406, 1407, 1411, 1413, 1416, 1435 of this title.

P.L. 104-1  
Sec. 406

**§ 1406. Appeal to Board**

**(a) In general**

Any party aggrieved by the decision of a hearing officer under section 1405(g) of this title may file a petition for review by the Board not later than 30 days after entry of the decision in the records of the Office.

**(b) Parties' opportunity to submit argument**

The parties to the hearing upon which the decision of the hearing officer was made shall have a reasonable opportunity to be heard, through written submission and, in the discretion of the Board, through oral argument.

**(c) Standard of review**

The Board shall set aside a decision of a hearing officer if the Board determines that the decision was—

- (1) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;
- (2) not made consistent with required procedures; or
- (3) unsupported by substantial evidence.

**(d) Record**

In making determinations under subsection (c) of this section, the Board shall review the whole record, or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

**(e) Decision**

The Board shall issue a written decision setting forth the reasons for its decision. The decision may affirm, reverse, or remand to the hearing officer for further proceedings. A decision that does not require further proceedings before a hearing officer shall be entered in the records of the Office as a final decision.

(Pub. L. 104-1, title IV, §406, Jan. 23, 1995, 109 Stat. 35.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1331, 1341, 1351, 1361, 1401, 1405, 1407, 1411, 1416 of this title.

**§ 1407. Judicial review of Board decisions and enforcement**

P.L. 104-1  
Sec. 407

**(a) Jurisdiction**

**(1) Judicial review**

The United States Court of Appeals for the Federal Circuit shall have jurisdiction over any proceeding commenced by a petition of—

- (A) a party aggrieved by a final decision of the Board under section 1406(e) of this title in cases arising under part A of subchapter II of this chapter,
- (B) a charging individual or a respondent before the Board who files a petition under section 1331(d)(4) of this title,
- (C) the General Counsel or a respondent before the Board who files a petition under section 1341(c)(5) of this title, or
- (D) the General Counsel or a respondent before the Board who files a petition under section 1351(c)(3) of this title.

The court of appeals shall have exclusive jurisdiction to set aside, suspend (in whole or in part), to determine the validity of, or otherwise review the decision of the Board.

**(2) Enforcement**

The United States Court of Appeals for the Federal Circuit shall have jurisdiction over any petition of the General Counsel, filed in the name of the Office and at the direction of the Board, to enforce a final decision under section 1405(g) or 1406(e) of this title with respect to a violation of part A, B, C, or D of subchapter II of this chapter.

**(b) Procedures**

**(1) Respondents**

(A) In any proceeding commenced by a petition filed under subsection (a)(1)(A) or (B) of this section, or filed by a party other than the General Counsel under subsection (a)(1)(C) or (D) of this section, the Office shall be named respondent and any party before the Board may be named respondent by filing a notice of election with the court within 30 days after service of the petition.

(B) In any proceeding commenced by a petition filed by the General Counsel under subsection (a)(1)(C) or (D) of this section, the prevailing party in the final decision entered under section 1406(e) of this title shall be named respondent, and any other party before the Board may be named respondent by filing a notice of election with the court within 30 days after service of the petition.

(C) In any proceeding commenced by a petition filed under subsection (a)(2) of this section, the party under section 1405 or 1406 of this title that the General Counsel determines has failed to comply with a final decision under section 1405(g) or 1406(e) of this title shall be named respondent.

**(2) Intervention**

Any party that participated in the proceedings before the Board under section 1406 of this title and that was not made respondent under paragraph (1) may intervene as of right.

**(c) Law applicable**

Chapter 158 of title 28 shall apply to judicial review under paragraph (1) of subsection (a) of this section, except that—

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(1) with respect to section 2344 of title 28, service of a petition in any proceeding in which the Office is a respondent shall be on the General Counsel rather than on the Attorney General;

(2) the provisions of section 2348 of title 28, on the authority of the Attorney General, shall not apply;

(3) the petition for review shall be filed not later than 90 days after the entry in the Office of a final decision under section 1406(e) of this title; and

(4) the Office shall be an "agency" as that term is used in chapter 158 of title 28.

**(d) Standard of review**

To the extent necessary for decision in a proceeding commenced under subsection (a)(1) of this section and when presented, the court shall decide all relevant questions of law and interpret constitutional and statutory provisions. The court shall set aside a final decision of the Board if it is determined that the decision was—

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

(2) not made consistent with required procedures; or

(3) unsupported by substantial evidence.

**(e) Record**

In making determinations under subsection (d) of this section, the court shall review the whole record, or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

(Pub. L. 104-1, title IV, §407, Jan. 23, 1995, 109 Stat. 35.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1331, 1341, 1351, 1361, 1401, 1409, 1410, 1411, 1413, 1416 of this title.

P.L. 104-1  
Sec. 408

**§ 1408. Civil action**

**(a) Jurisdiction**

The district courts of the United States shall have jurisdiction over any civil action commenced under section 1404 of this title and this section by a covered employee who has completed counseling under section 1402 of this title and mediation under section 1403 of this title. A civil action may be commenced by a covered employee only to seek redress for a violation for which the employee has completed counseling and mediation.

**(b) Parties**

The defendant shall be the employing office alleged to have committed the violation, or in which the violation is alleged to have occurred.

**(c) Jury trial**

Any party may demand a jury trial where a jury trial would be available in an action against a private defendant under the relevant law made applicable by this chapter. In any case in which a violation of section 1311 of this title is alleged, the court shall not inform the jury of the maximum amount of compensatory damages available under section 1311(b)(1) or 1311(b)(3) of this title.

**(d) Appearances by House Employment Counsel (1) In general**

P.L. 107-68  
Sec. 119(a)

The House Employment Counsel of the House of Representatives and any other counsel in the Office of House Employment Counsel of the House of Representatives, including any counsel specially retained by the Office of House Employment Counsel, shall be entitled, for the purpose of providing legal assistance and representation to employing offices of the House of Representatives under this chapter, to enter an appearance in any proceeding before any court of the United States or of any State or political subdivision thereof without compliance with any requirements for admission to practice before such court, except that the authorization conferred by this paragraph shall not apply with respect to the admission of any such person to practice before the United States Supreme Court.

**(2) House Employment Counsel defined**

In this subsection, the term "Office of House Employment Counsel of the House of Representatives" means—

(A) the Office of House Employment Counsel established and operating under the authority of the Clerk of the House of Representatives as of November 12, 2001;

(B) any successor office to the Office of House Employment Counsel which is established after November 12, 2001; and

(C) any other person authorized and directed in accordance with the Rules of the House of Representatives to provide legal assistance and representation to employing offices of the House of Representatives in connection with actions brought under this subchapter.

(Pub. L. 104-1, title IV, §408, Jan. 23, 1995, 109 Stat. 37; Pub. L. 107-68, title I, §119(a), Nov. 12, 2001, 115 Stat. 573.)

AMENDMENTS

2001—Subsec. (d). Pub. L. 107-68 added subsec. (d).

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-68, title I, §119(b), Nov. 12, 2001, 115 Stat. 574, provided that: "The amendment made by this section [amending this section] shall apply with respect to proceedings occurring on or after the date of the enactment of this Act [Nov. 12, 2001]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1361, 1401, 1404, 1409, 1410, 1411, 1413, 1435 of this title.

**§ 1409. Judicial review of regulations**

P.L. 104-1  
Sec. 409

In any proceeding brought under section 1407 or 1408 of this title in which the application of a regulation issued under this chapter is at issue, the court may review the validity of the regulation in accordance with the provisions of subparagraphs (A) through (D) of section 706(2) of title 5, except that with respect to regulations approved by a joint resolution under section 1384(c) of this title, only the provisions of section 706(2)(B) of title 5 shall apply. If the court determines that the regulation is invalid, the court shall apply, to the extent necessary and appropriate, the most relevant substantive

executive agency regulation promulgated to implement the statutory provisions with respect to which the invalid regulation was issued. Except as provided in this section, the validity of regulations issued under this chapter is not subject to judicial review.

(Pub. L. 104-1, title IV, §409, Jan. 23, 1995, 109 Stat. 37.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1410 of this title.

P.L. 104-1 § 1410. Other judicial review prohibited

Sec. 410

Except as expressly authorized by sections 1407, 1408, and 1409 of this title, the compliance or noncompliance with the provisions of this chapter and any action taken pursuant to this chapter shall not be subject to judicial review.

(Pub. L. 104-1, title IV, §410, Jan. 23, 1995, 109 Stat. 37.)

P.L. 104-1 § 1411. Effect of failure to issue regulations

Sec. 411

In any proceeding under section 1405, 1406, 1407, or 1408 of this title, except a proceeding to enforce section 1351 of this title with respect to offices listed under section 1351(e)(2) of this title, if the Board has not issued a regulation on a matter for which this chapter requires a regulation to be issued, the hearing officer, Board, or court, as the case may be, shall apply, to the extent necessary and appropriate, the most relevant substantive executive agency regulation promulgated to implement the statutory provision at issue in the proceeding.

(Pub. L. 104-1, title IV, §411, Jan. 23, 1995, 109 Stat. 37.)

P.L. 104-1 § 1412. Expedited review of certain appeals

Sec. 412

(a) In general

An appeal may be taken directly to the Supreme Court of the United States from any interlocutory or final judgment, decree, or order of a court upon the constitutionality of any provision of this chapter.

(b) Jurisdiction

The Supreme Court shall, if it has not previously ruled on the question, accept jurisdiction over the appeal referred to in subsection (a) of this section, advance the appeal on the docket, and expedite the appeal to the greatest extent possible.

(Pub. L. 104-1, title IV, §412, Jan. 23, 1995, 109 Stat. 38.)

P.L. 104-1 § 1413. Privileges and immunities

Sec. 413

The authorization to bring judicial proceedings under sections 1405(f)(3), 1407, and 1408 of this title shall not constitute a waiver of sovereign immunity for any other purpose, or of the privileges of any Senator or Member of the House of Representatives under article I, section 6, clause 1, of the Constitution, or a waiver of any power of either the Senate or the House of Representatives under the Constitution, including under article I, section 5, clause 3, or under the rules of either House relating to records and information within its jurisdiction.

(Pub. L. 104-1, title IV, §413, Jan. 23, 1995, 109 Stat. 38.)

§ 1414. Settlement of complaints

Any settlement entered into by the parties to a process described in section 1331, 1341, 1351, or 1401 of this title shall be in writing and not become effective unless it is approved by the Executive Director. Nothing in this chapter shall affect the power of the Senate and the House of Representatives, respectively, to establish rules governing the process by which a settlement may be entered into by such House or by any employing office of such House.

(Pub. L. 104-1, title IV, §414, Jan. 23, 1995, 109 Stat. 38.)

§ 1415. Payments

(a) Awards and settlements

Except as provided in subsection (c) of this section, only funds which are appropriated to an account of the Office in the Treasury of the United States for the payment of awards and settlements may be used for the payment of awards and settlements under this chapter. There are authorized to be appropriated for such account such sums as may be necessary to pay such awards and settlements. Funds in the account are not available for awards and settlements involving the General Accounting Office, the Government Printing Office, or the Library of Congress.

(b) Compliance

Except as provided in subsection (c) of this section, there are authorized to be appropriated such sums as may be necessary for administrative, personnel, and similar expenses of employing offices which are needed to comply with this chapter.

(c) OSHA, accommodation, and access requirements

Funds to correct violations of section 1311(a)(3), 1331, or 1341 of this title may be paid only from funds appropriated to the employing office or entity responsible for correcting such violations. There are authorized to be appropriated such sums as may be necessary for such funds.

(Pub. L. 104-1, title IV, §415, Jan. 23, 1995, 109 Stat. 38.)

§ 1416. Confidentiality

(a) Counseling

All counseling shall be strictly confidential, except that the Office and a covered employee may agree to notify the employing office of the allegations.

(b) Mediation

All mediation shall be strictly confidential.

(c) Hearings and deliberations

Except as provided in subsections (d), (e), and (f) of this section, all proceedings and deliberations of hearing officers and the Board, including any related records, shall be confidential. This subsection shall not apply to proceedings under section 1341 of this title, but shall apply

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Sec. 414

P.L. 104-1  
Sec. 415

P.L. 104-1  
Sec. 416



§ 1431

to the deliberations of hearing officers and the Board under that section.

**(d) Release of records for judicial action**

The records of hearing officers and the Board may be made public if required for the purpose of judicial review under section 1407 of this title.

**(e) Access by committees of Congress**

At the discretion of the Executive Director, the Executive Director may provide to the Committee on Standards of Official Conduct of the House of Representatives and the Select Committee on Ethics of the Senate access to the records of the hearings and decisions of the hearing officers and the Board, including all written and oral testimony in the possession of the Office. The Executive Director shall not provide such access until the Executive Director has consulted with the individual filing the complaint at issue, and until a final decision has been entered under section 1405(g) or 1406(e) of this title.

**(f) Final decisions**

A final decision entered under section 1405(g) or 1406(e) of this title shall be made public if it is in favor of the complaining covered employee, or in favor of the charging party under section 1331 of this title, or if the decision reverses a decision of a hearing officer which had been in favor of the covered employee or charging party. The Board may make public any other decision at its discretion.

(Pub. L. 104-1, title IV, §416, Jan. 23, 1995, 109 Stat. 38.)

SUBCHAPTER V—MISCELLANEOUS PROVISIONS

P.L. 104-1 § 1431. Exercise of rulemaking powers

Sec. 501

The provisions of sections 1302(b)(3) and 1384(c) of this title are enacted—

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

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

(Pub. L. 104-1, title V, §501, Jan. 23, 1995, 109 Stat. 39.)

P.L. 104-1 § 1432. Political affiliation and place of residence

Sec. 502

**(a) In general**

It shall not be a violation of any provision of section 1311 of this title to consider the—

(1) party affiliation;

(2) domicile; or

(3) political compatibility with the employing office;

of an employee referred to in subsection (b) of this section with respect to employment decisions.

**(b) "Employee" defined**

For purposes of subsection (a) of this section, the term "employee" means—

(1) an employee on the staff of the leadership of the House of Representatives or the leadership of the Senate;

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

(A) the House of Representatives;

(B) the Senate; or

(C) a joint committee of the Congress;

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

(4) an officer of the House of Representatives or the Senate or a congressional employee who is elected by the House of Representatives or Senate or is appointed by a Member of the House of Representatives or by a Senator (in addition an employee described in paragraph (1), (2), or (3)); or

(5) an applicant for a position that is to be occupied by an individual described in any of paragraphs (1) through (4).

(Pub. L. 104-1, title V, §502, Jan. 23, 1995, 109 Stat. 39.)

§ 1433. Nondiscrimination rules of House and Senate

P.L. 104-1 Sec. 503

The Select Committee on Ethics of the Senate and the Committee on Standards of Official Conduct of the House of Representatives retain full power, in accordance with the authority provided to them by the Senate and the House, with respect to the discipline of Members, officers, and employees for violating rules of the Senate and the House on nondiscrimination in employment.

(Pub. L. 104-1, title V, §503, Jan. 23, 1995, 109 Stat. 40.)

§ 1434. Judicial branch coverage study

P.L. 104-1 Sec. 505

The Judicial Conference of the United States shall prepare a report for submission by the Chief Justice of the United States to the Congress on the application to the judicial branch of the Federal Government of—

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

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

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

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

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

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

(7) chapter 71 (relating to Federal service labor-management relations) of title 5;

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

(9) the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.);

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

(11) chapter 43 (relating to veterans' employment and reemployment) of title 38.

The report shall be submitted to Congress not later than December 31, 1996, and shall include any recommendations the Judicial Conference may have for legislation to provide to employees of the judicial branch the rights, protections, and procedures under the listed laws, including administrative and judicial relief, that are comparable to those available to employees of the legislative branch under subchapters I through IV of this chapter.

(Pub. L. 104-1, title V, §505, Jan. 23, 1995, 109 Stat. 41.)

#### REFERENCES IN TEXT

The Fair Labor Standards Act of 1938, referred to in par. (1), is act June 25, 1938, ch. 676, 52 Stat. 1060, as amended, which is classified generally to chapter 8 (§201 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see section 201 of Title 29 and Tables.

The Civil Rights Act of 1964, referred to in par. (2), is Pub. L. 88-352, July 2, 1964, 78 Stat. 252, as amended. Title VII of the Act is classified generally to subchapter VI (§2000e et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

The Americans with Disabilities Act of 1990, referred to in par. (3), is Pub. L. 101-336, July 26, 1990, 104 Stat. 327, as amended, which is classified principally to chapter 126 (§12101 et seq.) of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of Title 42 and Tables.

The Age Discrimination in Employment Act of 1967, referred to in par. (4), is Pub. L. 90-202, Dec. 15, 1967, 81 Stat. 602, as amended, which is classified generally to chapter 14 (§621 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 29 and Tables.

The Family and Medical Leave Act of 1993, referred to in par. (5), is Pub. L. 103-3, Feb. 5, 1993, 107 Stat. 6, as amended, which enacted sections 60m and 60n of this title, sections 6381 to 6387 of Title 5, Government Organization and Employees, and chapter 28 (§2601 et seq.) of Title 29, Labor, amended section 2105 of Title 5, and enacted provisions set out as notes under section 2601 of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of Title 29 and Tables.

The Occupational Safety and Health Act of 1970, referred to in par. (6), is Pub. L. 91-596, Dec. 29, 1970, 84 Stat. 1590, as amended, which is classified principally to chapter 15 (§651 et seq.) of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 651 of Title 29 and Tables.

The Employee Polygraph Protection Act of 1988, referred to in par. (8), is Pub. L. 100-347, June 27, 1988, 102 Stat. 646, as amended, which is classified generally to chapter 22 (§2001 et seq.) of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 2001 of Title 29 and Tables.

The Worker Adjustment and Retraining Notification Act, referred to in par. (9), is Pub. L. 100-379, Aug. 4, 1988, 102 Stat. 890, which is classified generally to chapter 23 (§2101 et seq.) of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 2101 of Title 29 and Tables.

The Rehabilitation Act of 1973, referred to in par. (10), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355, as amended, which is classified generally to chapter 16 (§701 et seq.) of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

Subchapter II of this chapter, referred to in text, was in the original a reference to title II of this Act, meaning title II of Pub. L. 104-1, Jan. 23, 1995, 109 Stat. 7, as amended, which enacted subchapter II of this chapter and amended section 6381 of Title 5, Government Orga-

nization and Employees, sections 203, 633a, 2611, and 2617 of Title 29, Labor, and sections 2000e-16 and 12209 of Title 42, The Public Health and Welfare. For complete classification of title II to the Code, see Tables.

#### § 1435. Savings provisions

##### (a) Transition provisions for employees of House of Representatives and of Senate

###### (1) Claims arising before effective date

If, as of the date on which section 1311 of this title takes effect, an employee of the Senate or the House of Representatives has or could have requested counseling under section 305<sup>1</sup> of the Government Employees Rights Act of 1991 or Rule LI of the House of Representatives, including counseling for alleged violations of family and medical leave rights under title V of the Family and Medical Leave Act of 1993, the employee may complete, or initiate and complete, all procedures under the Government Employees Rights Act of 1991 and Rule LI, and the provisions of that Act and Rule shall remain in effect with respect to, and provide the exclusive procedures for, those claims until the completion of all such procedures.

###### (2) Claims arising between effective date and opening of Office

If a claim by an employee of the Senate or House of Representatives arises under section 1311 or 1312 of this title after the effective date of such sections, but before the opening of the Office for receipt of requests for counseling or mediation under sections 1402 and 1403 of this title, the provisions of the Government Employees Rights Act of 1991 and Rule LI of the House of Representatives relating to counseling and mediation shall remain in effect, and the employee may complete under that Act or Rule the requirements for counseling and mediation under sections 1402 and 1403 of this title. If, after counseling and mediation is completed, the Office has not yet opened for the filing of a timely complaint under section 1405 of this title, the employee may elect—

(A) to file a complaint under section 307 of the Government Employees Rights Act of 1991<sup>1</sup> or Rule LI of the House of Representatives, and thereafter proceed exclusively under that Act or Rule, the provisions of which shall remain in effect until the completion of all proceedings in relation to the complaint, or

(B) to commence a civil action under section 1408 of this title.

###### (3) Section 1207a of this title

With respect to payments of awards and settlements relating to Senate employees under paragraph (1) of this subsection, section 1207a<sup>1</sup> of this title remains in effect.

##### (b) Transition provisions for employees of Architect of Capitol

###### (1) Claims arising before effective date

If, as of the date on which section 1311 of this title takes effect, an employee of the Architect of the Capitol has or could have filed

<sup>1</sup> See References in Text note below.

a charge or complaint regarding an alleged violation of section 1831(e)(2)<sup>1</sup> of this title, the employee may complete, or initiate and complete, all procedures under section 1831(e)<sup>1</sup> of this title, the provisions of which shall remain in effect with respect to, and provide the exclusive procedures for, that claim until the completion of all such procedures.

**(2) Claims arising between effective date and opening of Office**

If a claim by an employee of the Architect of the Capitol arises under section 1311 or 1312 of this title after the effective date of those provisions, but before the opening of the Office for receipt of requests for counseling or mediation under sections 1402 and 1403 of this title, the employee may satisfy the requirements for counseling and mediation by exhausting the requirements prescribed by the Architect of the Capitol in accordance with section 1831(e)(3)<sup>1</sup> of this title. If, after exhaustion of those requirements the Office has not yet opened for the filing of a timely complaint under section 1405 of this title, the employee may elect—

(A) to file a charge with the General Accounting Office Personnel Appeals Board pursuant to section 1831(e)(3)<sup>1</sup> of this title, and thereafter proceed exclusively under section 1831(e)<sup>1</sup> of this title, the provisions of which shall remain in effect until the completion of all proceedings in relation to the charge, or

(B) to commence a civil action under section 1408 of this title.

**(c) Transition provision relating to matters other than employment under section 12209 of title 42**

With respect to matters other than employment under section 12209 of title 42, the rights, protections, remedies, and procedures of section 12209 of title 42 shall remain in effect until section 1331 of this title takes effect with respect to each of the entities covered by section 12209 of title 42.

(Pub. L. 104-1, title V, §506, Jan. 23, 1995, 109 Stat. 42.)

REFERENCES IN TEXT

For the effective dates of sections 1311, 1312, and 1331 of this title, referred to in text, see sections 1311(d), 1312(e), and 1331(h), respectively, of this title.

Rule LI of the Rules of the House of Representatives, referred to in subsec. (a)(1), (2), was repealed by H. Res. No. 5, §23(a), One Hundred Fifth Congress, Jan. 7, 1997.

The Family and Medical Leave Act of 1993, referred to in subsec. (a)(1), is Pub. L. 103-3, Feb. 5, 1993, 107 Stat. 6. Title V of the Act was classified generally to sections 60m and 60n of this title prior to repeal, except as provided by this section, by Pub. L. 104-1, title V, §504(b), Jan. 23, 1995, 109 Stat. 41. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of Title 29, Labor, and Tables.

The Government Employees Rights Act of 1991, referred to in subsec. (a)(1), (2), probably means the Gov-

ernment Employee Rights Act of 1991, which is title III of Pub. L. 102-166, Nov. 21, 1991, 105 Stat. 1088, as amended, and is classified generally to sections 2000e-16a to 2000e-16c of Title 42, The Public Health and Welfare. Sections 305 and 307 of the Act were classified to sections 1205 and 1207, respectively, of this title prior to repeal, except as provided in this section, by Pub. L. 104-1, title V, §504(a)(2), Jan. 23, 1995, 109 Stat. 41. For complete classification of this Act to the Code, see section 2000e-16a(a) of Title 42 and Tables.

Section 1207a of this title, referred to in subsec. (a)(3), was repealed, except as provided in this section, by Pub. L. 104-1, title V, §504(a)(5), Jan. 23, 1995, 109 Stat. 41.

Section 1831(e) of this title, referred to in subsec. (b), was repealed, except as provided in this section, by Pub. L. 104-1, title V, §504(c)(1), Jan. 23, 1995, 109 Stat. 41.

**§ 1436. Repealed. Pub. L. 106-57, title III, §313, Sept. 29, 1999, 113 Stat. 428** P.L. 106-57 Sec. 313

Section, Pub. L. 104-1, title V, §507, Jan. 23, 1995, 109 Stat. 43; Pub. L. 105-275, title I, §12, Oct. 21, 1998, 112 Stat. 2436, related to use of frequent flyer miles.

**§ 1437. Sense of Senate regarding adoption of simplified and streamlined acquisition procedures for Senate acquisitions** P.L. 104-1 Sec. 508

It is the sense of the Senate that the Committee on Rules and Administration of the Senate should review the rules applicable to purchases by Senate offices to determine whether they are consistent with the acquisition simplification and streamlining laws enacted in the Federal Acquisition Streamlining Act of 1994 (Public Law 103-355).

(Pub. L. 104-1, title V, §508, Jan. 23, 1995, 109 Stat. 44.)

REFERENCES IN TEXT

The Federal Acquisition Streamlining Act of 1994, referred to in text, is Pub. L. 103-355, Oct. 13, 1994, 108 Stat. 3243. For complete classification of this Act to the Code, see Short Title of 1994 Amendment note set out under section 251 of Title 41, Public Contracts, and Tables.

**§ 1438. Severability** P.L. 104-1 Sec. 509

If any provision of this chapter or the application of such provision to any person or circumstance is held to be invalid, the remainder of this chapter and the application of the provisions of the remainder to any person or circumstance shall not be affected thereby.

(Pub. L. 104-1, title V, §509, Jan. 23, 1995, 109 Stat. 44.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 104-1, Jan. 23, 1995, 109 Stat. 3, as amended, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of this title and Tables.

## **A note on this text of the Congressional Accountability Act**

The text of the U.S. Code used in this publication was provided by the Office of the Law Revision Counsel of the U.S. House of Representatives and was current law as of the date of printing. While every effort has been made to ensure that this text is accurate, those using it for legal research should verify their results against the printed version of the U.S. Code available through the Government Printing Office.

At the time this publication went to print, legislation had been approved in the 108th Congress to amend the Congressional Accountability Act. The version of the U.S. Code presented in this publication had not yet been updated at the time of printing and thus does not reflect this amendment. The legislation, H.R. 5122, amends §1381(e)(1), permitting members of the Board of Directors of the Office of Compliance to serve two five year terms. The text of H.R. 5122 is as follows:

### **SECTION 1. PERMITTING SECOND TERM FOR BOARD OF DIRECTORS OF OFFICE OF COMPLIANCE.**

(a) **IN GENERAL** – The second sentence of section 301(e)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1381(e)(1)) is amended to read as follows: “A member of the Board may be reappointed, but no individual may serve as a member for more than 2 terms.”.

(b) **EFFECTIVE DATE** – The amendment made by subsection (a) shall apply with respect to individuals serving on the Board of Directors of the Office of Compliance on or after September 30, 2004.



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