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SUBCHAPTER I—GENERAL PROVISIONS

§ 401. Definitions

(a) IN GENERAL.—Except as otherwise specifically provided in this chapter, as used in this chapter:

(1) BOARD.—The term “Board” means the Merit Systems Protection Board under chapter 12 of title 5.

(2) COVERED EMPLOYEE.—The term “covered employee” means any employee of an employing office.

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

(4) EMPLOYING OFFICE.—The term “employing office” means—

(A) each office, agency, or other component of the Executive Office of the President;

(B) the Executive Residence at the White House; and

(C) the official residence (temporary or otherwise) of the Vice President.

(b) DEFINITIONS RELATING TO CERTAIN MATTERS.—For purposes of applying this chapter with respect to any practice or other matter—

(1) to which section 411 relates, the terms “employing office” and “covered employee” shall each be considered to have the meaning given to the term by such section;

(2) to which section 412 relates, the term “covered employee” means a covered employee described in section 412(a)(2)(B);

(3) to which section 413 relates, the term “covered employee” excludes interns and volunteers, as described in section 413(a)(2); and

(4) to which section 416 relates, the term “covered employee” means a covered employee described in section 416(a)(2).

(Added Pub. L. 104-331, §2(a), Oct. 26, 1996, 110 Stat. 4054.)

REGULATIONS

Section 2(b) of Pub. L. 104-331 provided that: “Appropriate measures shall be taken to ensure that—

“(1) any regulations required to implement section 411 of title 3, United States Code, shall be in effect by October 1, 1997; and

“(2) any other regulations needed to implement chapter 5 of title 3, United States Code, shall be in effect as soon as practicable, but not later than October 1, 1998.”

APPLICABILITY OF FUTURE EMPLOYMENT LAWS

Section 4 of Pub. L. 104-331 provided that:

“(a) IN GENERAL.—Each provision of Federal law that is made applicable to the legislative branch under section 102 of the Congressional Accountability Act of 1995 (2 U.S.C. 1302), and that is enacted later than 12 months after the date of the enactment of this Act [Oct. 26, 1996], shall be deemed to apply with respect to ‘employing offices’ and ‘covered employees’ (within the meaning of section 401 of title 3, United States Code, as added by this Act), unless such law specifically provides otherwise and expressly cites this section.

“(b) REGULATIONS.—

“(1) IN GENERAL.—The President, or the designee of the President, shall issue regulations to implement such provision.

“(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) to implement a provision shall be the same as substantive regulations promulgated by the head of the appropriate executive agency to implement the provision, except to the extent that the President or designee 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 the section.”

§ 402. Application of laws

The following laws shall apply, as prescribed by this chapter, to all employing offices (including employing offices within the meaning of section 411, to the extent prescribed therein):

(1) The Fair Labor Standards Act of 1938.

(2) Title VII of the Civil Rights Act of 1964.

(3) The Americans with Disabilities Act of 1990.

(4) The Age Discrimination in Employment Act of 1967.

(5) The Family and Medical Leave Act of 1993.

(6) The Occupational Safety and Health Act of 1970.

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

(8) The Employee Polygraph Protection Act of 1988.

(9) The Worker Adjustment and Retraining Notification Act.

(10) The Rehabilitation Act of 1973.

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

¹ So in original. Does not conform to section catchline.