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SUBCHAPTER I—GENERAL

§ 1301. Definitions

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 Office of Congressional Accessibility Services;
- (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 or the Botanic Garden.

(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 Office of Congressional Accessibility Services, the United States Capitol Police, 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; Pub. L. 110–279, §1(g)(1), July 17, 2008, 122 Stat.

2609; Pub. L. 110-437, title IV, § 422(b)(1), (2), Oct. 20, 2008, 122 Stat. 4996; Pub. L. 111-145, § 2(a)(5)(A), Mar. 4, 2010, 124 Stat. 50.)

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.

AMENDMENTS

2010—Par. (9)(D). Pub. L. 111-145 substituted “the United States Capitol Police,” for “the Capitol Police Board.”.

2008—Par. (3)(C). Pub. L. 110-437, § 422(b)(1), substituted “the Office of Congressional Accessibility Services;” for “the Capitol Guide Service;”.

Par. (5). Pub. L. 110-279, which directed substitution of “or the Botanic Garden” for “, the Botanic Garden, or the Senate Restaurant”, was executed by making the substitution for “, the Botanic Garden, or the Senate Restaurants” to reflect the probable intent of Congress.

Par. (9)(D). Pub. L. 110-437, § 422(b)(2), substituted “the Office of Congressional Accessibility Services,” for “the Capitol Guide Board.”.

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-437, title IV, § 422(d), Oct. 20, 2008, 122 Stat. 4997, provided that: “The amendments made by this section [amending this section and sections 1331 and 1341 of this title and section 2107 of Title 5, Government Organization and Employees, and repealing section 2166 of this title] shall take effect on the transfer date [first day of first pay period (applicable to employees transferred under section 2241 of this title) on or after 30 days after Oct. 20, 2008, see section 2261 of this title].”

Amendment by Pub. L. 110-279 effective July 17, 2008, and applicable to remainder of fiscal year in which enacted and each fiscal year thereafter, see section 2051(i) of this title.

SHORT TITLE

Pub. L. 104-1, § 1(a), Jan. 23, 1995, 109 Stat. 3, 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’.”

CONSTRUCTION OF 2010 AMENDMENT

Pub. L. 111-145, § 2(a)(5)(B), Mar. 4, 2010, 124 Stat. 50, provided that: “Nothing in the amendment made by subparagraph (A) [amending this section] may be construed to affect any procedure initiated under title IV of the Congressional Accountability Act of 1995 [2 U.S.C. 1401 et seq.] prior to the date of the enactment of this Act [Mar. 4, 2010].”

§ 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 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.)