

Stat. 814; Pub. L. 110-279, §1(g)(2), July 17, 2008, 122 Stat. 2609; Pub. L. 110-437, title IV, §422(b)(3), Oct. 20, 2008, 122 Stat. 4996; Pub. L. 113-235, div. H, title I, §1301(b), Dec. 16, 2014, 128 Stat. 2537.)

#### 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), 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.

#### AMENDMENTS

2008—Subsec. (a)(4). Pub. L. 110-437 substituted “the Office of Congressional Accessibility Services;” for “the Capitol Guide Service;”.

Subsec. (a)(7). Pub. L. 110-279 substituted “the Botanic Garden” for “the Senate Restaurants and the Botanic Garden”.

2004—Subsec. (h)(2). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office” in heading.

#### CHANGE OF NAME

“Government Publishing Office” substituted for “Government Printing Office” in heading of subsec. (h)(2) on authority of section 1301(b) of Pub. L. 113-235, set out as a note preceding section 301 of Title 44, Public Printing and Documents.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-437 effective 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 422(d) of Pub. L. 110-437, set out as a note under section 1301 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.

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

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

##### (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 Government Accountability 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 Government Accountability Office and the Library of Congress.

##### (b) Remedy

The remedy for a violation of subsection (a) 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); 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) 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) 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 purposes of this section and for different categories of violations of subsection (a), 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), shall conduct periodic inspections of all facilities of the House of Representatives, the Senate, the Office of Congressional Accessibility Services, 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 Government Accountability Office to report on compliance with subsection (a).

**(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).

**(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), 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) and shall submit the report under subsection (e)(2) 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) shall be effective on January 1, 1997.

**(2) Government Accountability Office and Library of Congress**

This section shall be effective with respect to the Government Accountability 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; Pub. L. 108–271, §8(b), July 7, 2004, 118 Stat. 814; Pub. L. 110–437, title IV, §422(b)(4), Oct. 20, 2008, 122 Stat. 4996.)

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.

AMENDMENTS

2008—Subsec. (e)(1). Pub. L. 110–437 substituted “the Office of Congressional Accessibility Services,” for “the Capitol Guide Service.”

2004—Subsecs. (a)(2)(C), (D), (e)(1). Pub. L. 108–271 substituted “Government Accountability Office” for “General Accounting Office”.

Subsec. (g)(2). Pub. L. 108–271 substituted “Government Accountability Office” for “General Accounting Office” in heading and text.

## EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-437 effective 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 422(d) of Pub. L. 110-437, set out as a note under section 1301 of this title.

## PART D—LABOR-MANAGEMENT RELATIONS

**§ 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) 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).

**(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 petition 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), 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) 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