

## 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.

## AMENDMENTS

2018—Subsecs. (d), (e). Pub. L. 115-397 added subsec. (d) and redesignated former subsec. (d) as (e).

## EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-397 effective upon expiration of the 180-day period beginning on Dec. 21, 2018, with provisions for effect on pending proceedings, see section 401 of Pub. L. 115-397, set out as a note under section 1301 of this title.

## COVERAGE OF HOUSE OF REPRESENTATIVES AND THE AGENCIES OF THE LEGISLATIVE BRANCH

Pub. L. 102-166, title I, §117, Nov. 21, 1991, 105 Stat. 1080, as amended by Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814; Pub. L. 113-235, div. H, title I, §1301(b), Dec. 16, 2014, 128 Stat. 2537, provided that:

“(a) COVERAGE OF THE HOUSE OF REPRESENTATIVES.—

“(1) IN GENERAL.—Notwithstanding any provision of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) or of other law, the purposes of such title shall, subject to paragraph (2), apply in their entirety to the House of Representatives.

“(2) EMPLOYMENT IN THE HOUSE.—

“(A) APPLICATION.—The rights and protections under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) shall, subject to subparagraph (B), apply with respect to any employee in an employment position in the House of Representatives and any employing authority of the House of Representatives.

“(B) ADMINISTRATION.—

“(i) IN GENERAL.—In the administration of this paragraph, the remedies and procedures made applicable pursuant to the resolution described in clause (ii) shall apply exclusively.

“(ii) RESOLUTION.—The resolution referred to in clause (i) is the Fair Employment Practices Resolution (House Resolution 558 of the One Hundredth Congress, as agreed to October 4, 1988), as incorporated into the Rules of the House of Representatives of the One Hundred Second Congress as Rule LI, or any other provision that continues in effect the provisions of such resolution.

“(C) EXERCISE OF RULEMAKING POWER.—The provisions of subparagraph (B) are enacted by the House of Representatives as an exercise of the rulemaking power of the House of Representatives, with full recognition of the right of the House to change its rules, in the same manner, and to the same extent as in the case of any other rule of the House.

“(b) INSTRUMENTALITIES OF CONGRESS.—

“(1) IN GENERAL.—The rights and protections under this title [see Tables for classification] and title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) shall, subject to paragraph (2), apply with respect to the conduct of each instrumentality of the Congress.

“(2) ESTABLISHMENT OF REMEDIES AND PROCEDURES BY INSTRUMENTALITIES.—The chief official of each instrumentality of the Congress shall establish remedies and procedures to be utilized with respect to the rights and protections provided pursuant to paragraph (1). Such remedies and procedures shall apply exclusively, except for the employees who are defined as Senate employees, in [former] section 301(c)(1) [former 42 U.S.C. 2000e-16a(c)(1)].

“(3) REPORT TO CONGRESS.—The chief official of each instrumentality of the Congress shall, after establishing remedies and procedures for purposes of paragraph (2), submit to the Congress a report describing the remedies and procedures.

“(4) DEFINITION OF INSTRUMENTALITIES.—For purposes of this section, instrumentalities of the Con-

gress include the following: the Architect of the Capitol, the Congressional Budget Office, the Government Accountability Office, the Government Publishing Office, the Office of Technology Assessment, and the United States Botanic Garden.

“(5) CONSTRUCTION.—Nothing in this section shall alter the enforcement procedures for individuals protected under section 717 of title VII for [of] the Civil Rights Act of 1964 (42 U.S.C. 2000e-16).”

[Section effective Nov. 21, 1991, except as otherwise provided, see section 402(a) of Pub. L. 102-166, set out as an Effective Date of 1991 Amendment note under section 1981 of Title 42, The Public Health and Welfare.]

## § 1312. Rights and protections under Family and Medical Leave Act of 1993

### (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) 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) 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) shall be effective 1 year after January 23, 1995.

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

Subsection (c) 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; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814.)

## 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.

## AMENDMENTS

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

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

#### (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 as defined in regulations under subsection (c).

##### (3) Compensatory time

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

#### (b) Remedy

The remedy for a violation of subsection (a) 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) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modifica-

tion 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) 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).

#### APPLICATION OF RIGHTS AND PROTECTIONS OF FAIR LABOR STANDARDS ACT OF 1938 TO CONGRESSIONAL AND ARCHITECT OF THE CAPITOL EMPLOYEES

Pub. L. 101-157, §8, Nov. 17, 1989, 103 Stat. 944, provided that:

“(a) HOUSE EMPLOYEES.—

“(1) IN GENERAL.—Not later than 180 days after the date the minimum wage rate prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is increased pursuant to the amendment made by section 2, the rights and protections under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) shall apply with respect to any employee in an employment position in the House of Representatives and to any employing authority of the House of Representatives.

“(2) ADMINISTRATION.—In the administration of this subsection, the remedies and procedures under the Fair Employment Practices Resolution shall be applied. As used in this paragraph, the term “Fair Employment Practices Resolution” means House Resolution 558, One Hundredth Congress, agreed to October 4, 1988, as continued in effect by House Resolution 15, One Hundred First Congress, agreed to January 3, 1989.