

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2499

To make the Age Discrimination in Employment Act of 1967 applicable to the House of Representatives and the instrumentalities of the Congress and to allow House employees and employees of the instrumentalities to bring a civil action in Federal court to vindicate their rights under such Act and under the Americans with Disabilities Act, title VII of the 1964 Civil Rights Act, and the Family and Medical Leave Act.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 1993

Mr. GOODLING (for himself, Mr. MICHEL, Mr. GINGRICH, Mr. ARMEY, Mr. HYDE, Mr. PETRI, Mr. FAWELL, Mr. BALLENGER, Mr. BOEHNER, Mr. BARRETT of Nebraska, and Mr. HOEKSTRA) introduced the following bill; which was referred jointly to the Committees on House Administration, Education and Labor, and the Judiciary

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## A BILL

To make the Age Discrimination in Employment Act of 1967 applicable to the House of Representatives and the instrumentalities of the Congress and to allow House employees and employees of the instrumentalities to bring a civil action in Federal court to vindicate their rights under such Act and under the Americans with Disabilities Act, title VII of the 1964 Civil Rights Act, and the Family and Medical Leave Act.

1       *Be it enacted by the Senate and House of Representa-*  
2   *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Congressional Cov-  
3 erage for Discrimination and Family Leave Act”.

4 **TITLE I—AGE DISCRIMINATION**

5 **SEC. 101. COVERAGE OF EMPLOYEES OF THE HOUSE OF**  
6 **REPRESENTATIVES.**

7       The Age Discrimination in Employment Act of 1967  
8 (29 U.S.C. 621 et seq.) is amended—

9           (1) by redesignating sections 16 and 17 as sec-  
10 tions 17 and 18, respectively, and

11           (2) by inserting after section 15 the following:

12           “COVERAGE OF CERTAIN EMPLOYEES IN THE  
13 LEGISLATIVE BRANCH OF THE FEDERAL GOVERNMENT

14           “SEC. 16. (a) For purposes of this section—

15           “(1) the term ‘employee’ means an individual  
16 who is employed by, or who applies for employment  
17 with, an employing authority;

18           “(2) the term ‘employing authority’ has the  
19 meaning given it in the Fair Employment Practices  
20 Resolution and also includes any agent of the em-  
21 ploying authority and any Member who participates  
22 in determining the terms and conditions applicable  
23 to an employee’s employment and any agent of such  
24 Member, but with respect to a position on the mi-  
25 nority staff of a committee, such term does not in-  
26 clude the Chairman of such committee;

1           “(3) the term ‘Fair Employment Practices Res-  
2           olution’ means—

3                   “(A) House Resolution 558 of the One  
4           Hundredth Congress, as adopted October 4,  
5           1988, and incorporated into rule LI of the  
6           Rules of the House of Representatives of the  
7           One Hundred Second Congress; or

8                   “(B) any other provision that continues in  
9           effect the provisions of such resolution; and

10           “(4) the term ‘instrumentality of the Congress’  
11           means a unit of the legislative branch (other than  
12           the Congress) that does not have positions in the  
13           competitive service and any agent of such unit.

14           “(b) Sections 4 and 7(f) shall apply to employees and  
15           to employing authorities.

16           “(c)(1) The remedies and procedures under the Fair  
17           Employment Practices Resolution shall apply with respect  
18           to a violation of section 4 as such section is made applica-  
19           ble by subsection (b).

20           “(2) Within 90 days of the exhaustion of all proce-  
21           dures authorized under paragraph (1), or after 180 days  
22           after the filing of a complaint in accordance with such pro-  
23           cedures, an employee may bring a civil action in the appro-  
24           priate United States district court against the employee’s  
25           employing authority. In any such action, the court may

1 order such relief, including damages, attorneys' fees, and  
2 other costs, as may be ordered by a court under section  
3 7.

4 “(d) Section 4, as such section is made applicable by  
5 subsection (b), does not prohibit the taking into consider-  
6 ation of —

7 “(1) the domicile of an individual with respect  
8 to a position under the clerk-hire allowance of the  
9 House of Representatives; or

10 “(2) the political affiliation of an individual  
11 with respect to a position under such clerk-hire al-  
12 lowance or a position on the staff of a committee.

13 “(e) Not later than 60 days after any payment is  
14 made under this section for the benefit of an aggrieved  
15 employee out of a Federal account of the House of Rep-  
16 resentatives and on behalf of the employing authority, the  
17 employing authority shall reimburse such account with  
18 non-Federal funds. The Committee on House Administra-  
19 tion of the House of Representatives shall determine which  
20 account shall be used for payments to an aggrieved em-  
21 ployee under this section and shall issue guidelines to en-  
22 sure such reimbursement.

23 “(f) Each employing authority shall post and keep  
24 posted in conspicuous places on its premises a notice that  
25 shall be prepared by the Office of Fair Employment Prac-

1 tices, setting forth such information as the Office consid-  
2 ers to be appropriate to carry out this section.

3 “(g) Subsection (c)(1) is enacted as an exercise of  
4 the rulemaking power of the House of Representatives,  
5 with full recognition of the right of the House of Rep-  
6 resentatives to change its rules in the same manner, and  
7 to the same extent, as in any other rule of the House of  
8 Representatives.

9 “(h)(1) Subject to paragraph (2), sections 4 and 7(f)  
10 shall apply with respect to individuals who are employed  
11 by, or who apply for employment with, an instrumentality  
12 of the Congress.

13 “(2) The chief official of each instrumentality of the  
14 Congress shall establish remedies and procedures to pro-  
15 tect the rights provided for in paragraph (1). Such rem-  
16 edies and procedures shall apply exclusively with respect  
17 to such rights and shall provide to such individual protec-  
18 tion that is equal to or greater than the protection pro-  
19 vided under this section to employees of an employing  
20 authority.

21 “(3) The chief official of each instrumentality of the  
22 Congress shall submit to the Congress a report describing  
23 the remedies and procedures it has established to comply  
24 with paragraph (2).

1       “(4) Within 90 days of the exhaustion of all proce-  
2       dures authorized under paragraph (2) or after 180 days  
3       after the filing of a complaint in accordance with such pro-  
4       cedures, an employee may bring a civil action in the appro-  
5       priate United States district court against the employee’s  
6       instrumentality. In any such action, the court may order  
7       such relief, including damages, attorneys’ fees, and other  
8       costs as may be ordered by a court under section 7.”.

9       **TITLE II—TITLE VII OF THE**  
10       **CIVIL RIGHTS ACT OF 1964**

11       **SEC. 201. REFERENCE.**

12       Whenever in this title an amendment or repeal is ex-  
13       pressed in terms of an amendment to, or repeal of, a sec-  
14       tion or other provision, the reference shall be considered  
15       to be made to a section or other provision of the Civil  
16       Rights Act of 1991.

17       **SEC. 202. APPLICATION TO CONGRESS.**

18       (a) COVERAGE.—Section 117(a)(2)(A) (2 U.S.C.  
19       601(a)(2)(A)) is amended by adding at the end the follow-  
20       ing: “For purposes of this section, the term ‘employee’  
21       also includes an individual who applies for employment  
22       and the term ‘employing authority’ also includes any agent  
23       of the employing authority and any Member who partici-  
24       pates in determining the terms and conditions applicable  
25       to an employee’s employment and any agent of such Mem-

1 ber but with respect to a position on the minority staff  
2 of a committee such term does not include the Chairman  
3 of such committee.”.

4 (b) EMPLOYEE ACTIONS, PAYMENTS, CONSIDER-  
5 ATIONS, AND NOTICE.—

6 (1) AMENDMENT.—Section 117 (2 U.S.C. 60l)  
7 is amended in subsection (b)(4), by inserting before  
8 the period the following: “and includes any agent of  
9 any of the foregoing entities”, and

10 (2) by adding at the end the following:

11 “(c) EMPLOYEE ACTIONS.—

12 “(1) IN GENERAL.—Within 90 days of the ex-  
13 haustion of all procedures authorized under sub-  
14 section (a) or (b) or after 180 days after the filing  
15 of a complaint in accordance with such procedures  
16 an employee may bring a civil action in the appro-  
17 priate United States district court against the em-  
18 ployee’s employing authority or if employed by an in-  
19 strumentality of Congress, against such instrumen-  
20 tality. In any such action, the court may order such  
21 relief as is provided under title VII of the Civil  
22 Rights Act of 1964 and section 1977A of the Re-  
23 vised Statutes (42 U.S.C. 1981a), except that the  
24 sum of the amount of compensatory damages award-  
25 ed for future pecuniary losses, emotional pain, suf-

1       fering, inconvenience, mental anguish, loss of enjoy-  
2       ment of life, and other nonpecuniary losses and the  
3       amount of punitive damages shall not exceed for  
4       each complaining party \$50,000 in an action against  
5       an employing authority.

6               “(2) TRIAL.—In an action brought under para-  
7       graph (1)—

8                       “(A) any party may demand a trial by  
9       jury, and

10                      “(B) the court shall not inform the jury of  
11       the dollar limitation prescribed by paragraph  
12       (1).

13               “(3) FEES.—In an action brought under para-  
14       graph (1), the court may allow the prevailing party  
15       a reasonable attorney’s fees (including expert wit-  
16       ness fees) as part of the costs.

17       “(d) PAYMENTS.—Not later than 60 days after any  
18       payment is made under this section for the benefit of an  
19       aggrieved employee out of a Federal account of the House  
20       of Representatives and on behalf of an employing author-  
21       ity, the employing authority shall reimburse such account  
22       with non-Federal funds. The Committee on House Admin-  
23       istration of the House of Representatives shall determine  
24       which account shall be used for payments to an aggrieved



1 employee under this section and shall issue guidelines to  
2 ensure such reimbursement.

3 “(e) CONSIDERATIONS.—The rights and protections  
4 provided by this section do not prohibit the taking into  
5 consideration of:

6 “(1) the domicile of an individual with respect  
7 to a position under the clerk-hire allowance of the  
8 House of Representatives; or

9 “(2) the political affiliation of an individual  
10 with respect to a position under such clerk-hire al-  
11 lowance or a position on the staff of a committee.

12 “(f) NOTICE.—Each employing authority and instru-  
13 mentality of Congress shall post and keep posted, in con-  
14 spicuous places on its premises, a notice that shall be pre-  
15 pared by the Office of Fair Employment Practices or the  
16 instrumentality which sets forth such information as such  
17 Office or instrumentality considers to be appropriate to  
18 carry out this section.”.

19 (2) CONFORMING AMENDMENT.—Section  
20 117(a)(2)(B)(i) (2 U.S.C. 60l(a)(2)(B)(i)) is amend-  
21 ed by inserting before the period at the end the fol-  
22 lowing: “, except as provided in subsections (c)  
23 through (f)”.

## **TITLE III—DISABILITIES**

### **SEC. 301. REFERENCE.**

Whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Americans with Disabilities Act of 1990.

### **SEC. 302. APPLICATION TO CONGRESS.**

(a) **COVERAGE.**—Section 509(b)(2)(A) (42 U.S.C. 12209(b)(2)(A)) is amended by adding at the end the following: “For purposes of this section, the term ‘employee’ also includes an individual who applies for employment and the term ‘employing authority’ also includes any agent of the employing authority and any Member who participates in determining the terms and conditions applicable to an employee’s employment and any agent of such Member but with respect to the minority staff of a committee does not include the Chairman of such committee.”.

(b) **EMPLOYEE ACTIONS, PAYMENTS, CONSIDERATIONS, AND NOTICE.**—

(1) **AMENDMENT.**—Section 509 (42 U.S.C. 12209) is amended—

(A) in subsection (c)(4), by adding before the period the following: “and includes any agent of any of the foregoing entities”, and

1 (B) by adding at the end the following:

2 “(d) EMPLOYEE ACTIONS.—

3 “(1) IN GENERAL.—Within 90 days of the ex-  
4 haustion of all procedures authorized under sub-  
5 section (b)(2) or (c)(2) or after 180 days after the  
6 filing of a complaint in accordance with such proce-  
7 dures, an employee may bring a civil action in the  
8 appropriate United States district court against the  
9 employee’s employing authority or if employed by an  
10 instrumentality of Congress, against such instru-  
11 mentality. In any such action, the court may order  
12 such relief as is provided under title VII of the Civil  
13 Rights Act of 1964 and section 1977A of the Re-  
14 vised Statutes (42 U.S.C. 1981a), except that the  
15 sum of the amount of compensatory damages award-  
16 ed for future pecuniary losses, emotional pain, suf-  
17 fering, inconvenience, mental anguish, loss of enjoy-  
18 ment of life, and other nonpecuniary losses and the  
19 amount of punitive damages shall not exceed for  
20 each complaining party \$50,000 in an action against  
21 an employing authority.

22 “(2) TRIAL.—In an action brought under para-  
23 graph (1)—

24 “(A) any party may demand a trial by  
25 jury, and

1           “(B) the court shall not inform the jury of  
2           the dollar limitation prescribed by paragraph  
3           (1).

4           “(3) FEES.—In an action brought under para-  
5           graph (1), the court may allow the prevailing party  
6           a reasonable attorney’s fees (including expert wit-  
7           ness fees) as part of the costs.

8           “(e) PAYMENTS.—Not later than 60 days after any  
9           payment is made under this section for the benefit of an  
10          aggrieved employee out of a Federal account of the House  
11          of Representatives and on behalf of an employing author-  
12          ity, the employing authority shall reimburse such account  
13          with non-Federal funds. The Committee on House Admin-  
14          istration of the House of Representatives shall determine  
15          which account shall be used for payments to an aggrieved  
16          employee under this section and shall issue guidelines to  
17          ensure such reimbursement.

18          “(f) CONSIDERATIONS.—The rights and protections  
19          provided by this section do not prohibit the taking into  
20          consideration of:

21                 “(1) the domicile of an individual with respect  
22                 to a position under the clerk-hire allowance of the  
23                 House of Representatives; or

1 “(2) the political affiliation of an individual  
2 with respect to a position under such clerk-hire al-  
3 lowance or a position on the staff of a committee.

4 “(g) NOTICE.—Each employing authority and instru-  
5 mentality of Congress shall post and keep posted, in con-  
6 spicuous places on its premises, a notice that shall be pre-  
7 pared by the Office of Fair Employment Practices or the  
8 instrumentality which sets forth such information as such  
9 Office or instrumentality considers to be appropriate to  
10 carry out this section.”.

11 (2) CONFORMING AMENDMENT.—Section  
12 509(b)(2)(B)(i) (42 U.S.C. 12209(b)(2)(B)(i)) is  
13 amended by inserting before the period at the end  
14 the following: “, except as provided in subsections  
15 (d) through (g)”.

## 16 **TITLE IV—FAMILY AND MEDICAL** 17 **LEAVE**

### 18 **SEC. 401. ENFORCEMENT ACTION.**

19 (a) EMPLOYING AUTHORITY.—Section 502(a) of the  
20 Family and Medical Leave Act of 1993 (2 U.S.C. 60n(a))  
21 is amended by inserting before the period the following:  
22 “, except that with respect to a position on the minority  
23 staff of a committee, the term ‘employing authority’ does  
24 not include the Chairman of such committee”.

1       (b) REMEDY.—Subsection (c) of section 502 of the  
2 Family and Medical Leave Act of 1993 (2 U.S.C. 60n)  
3 is redesignated as subsection (f) and the following is in-  
4 serted after subsection (b):

5       “(c) EMPLOYEE ACTION.— Within 90 days of the ex-  
6 haustion of all procedures authorized under subsection (b),  
7 or after 180 days after the timely filing of a complaint  
8 in accordance with such procedures, an employee may  
9 bring a civil action in the appropriate United States dis-  
10 trict court against the employee’s employing authority. In  
11 any such action, the court may order such relief, including  
12 damages, interest, attorneys’ fees, expert witness fees, and  
13 other costs, as may be ordered by a court under section  
14 107.

15       “(d) PAYMENTS.—Not later than 60 days after any  
16 payment is made under this section for the benefit of an  
17 aggrieved employee out of a Federal account of the House  
18 of Representatives and on behalf of an employing author-  
19 ity, the employing authority shall reimburse such account  
20 with non-Federal funds. The Committee on House Admin-  
21 istration of the House of Representatives shall determine  
22 which account shall be used for payments to an aggrieved  
23 employee under this section and shall issue guidelines to  
24 ensure such reimbursement.

25       “(e) INSTRUMENTALITIES OF CONGRESS.—

1           “(1) IN GENERAL.—The rights and protections  
2       under sections 102 through 105 (other than section  
3       104(b)) shall, subject to paragraph (2), apply with  
4       respect to the conduct of each instrumentality of the  
5       Congress.

6           “(2) ESTABLISHMENT OF REMEDIES AND PRO-  
7       CEDURES BY INSTRUMENTALITIES.—The chief offi-  
8       cial of each instrumentality of the Congress shall es-  
9       tablish remedies and procedures to protect the rights  
10      provided for in paragraph (1).

11          “(3) REPORT TO CONGRESS.—The chief official  
12      of each instrumentality of the Congress shall, after  
13      establishing remedies and procedures for purposes of  
14      paragraph (2), submit to the Congress a report de-  
15      scribing the remedies and procedures it has estab-  
16      lished to comply with paragraph (2).

17          “(4) DEFINITION OF INSTRUMENTALITIES.—  
18      For purposes of this section, instrumentalities of the  
19      Congress include the Architect of the Capitol, the  
20      Library of Congress, the Congressional Budget Of-  
21      fice, the General Accounting Office, the Government  
22      Printing Office, the Office of Technology Assess-  
23      ment, and the United States Botanic Garden and in-  
24      cludes any agent of any of the foregoing entities.

1           “(5) CIVIL ACTION.—Within 90 days of the ex-  
2           haustion of all procedures authorized under para-  
3           graph (2) or after 180 days after the filing of a  
4           complaint in accordance with such procedures, an  
5           employee may bring a civil action in the appropriate  
6           United States district court against the employee’s  
7           instrumentality. In any such action, the court may  
8           order such relief, including damages, attorneys’ fees,  
9           and other costs as may be ordered by a court under  
10          section 107.

11          “(f) NOTICE.—Each employing authority and instru-  
12          mentality of Congress shall post and keep posted, in con-  
13          spicuous places on its premises, a notice that shall be pre-  
14          pared by the Office of Fair Employment Practices or the  
15          instrumentality which sets forth such information as such  
16          Office or instrumentality considers to be appropriate to  
17          carry out this section.”.

## 18                   **TITLE V—GUIDELINES**

### 19          **SEC. 501. GUIDELINES.**

20          Any guidelines issued by any committee of the House  
21          of Representatives to implement any provision of this Act  
22          shall be published in the Congressional Record for a period  
23          of at least 60 days before such implementation.



1       **TITLE VI—EFFECTIVE DATE**

2   **SEC. 601. EFFECTIVE DATE.**

3       The amendments made by this Act shall take effect  
4   upon the expiration of 3 months after the date of the  
5   enactment of this Act.

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