

103^D CONGRESS
2^D SESSION

H. R. 349

To make applicable to the Congress certain laws relating to the terms and conditions of employment, the health and safety of employees, and the rights and responsibilities of employers and employees, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mr. SHAYS (for himself, Mr. SWETT, Mr. ALLARD, Mr. ARMEY, Mr. BAKER of Louisiana, Mr. BARTON of Texas, Mr. BLILEY, Mr. BLUTE, Mr. BOEHLERT, Mr. BUNNING, Mr. BURTON of Indiana, Mr. CAMP, Mr. CLINGER, Mr. COBLE, Mr. COX, Mr. CRANE, Mr. CRAPO, Mr. CUNNINGHAM, Mr. DOOLITTLE, Mr. DUNCAN, Mr. EWING, Mr. FAWELL, Mr. FIELDS of Texas, Ms. FOWLER, Mr. GALLEGLY, Mr. GILCREST, Mr. GINGRICH, Mr. GOSS, Mr. HERGER, Mr. HUNTER, Mrs. JOHNSON of Connecticut, Mr. KASICH, Mr. KLUG, Mr. KOLBE, Mr. LIGHTFOOT, Mr. LIVINGSTON, Mr. MCCANDLESS, Mr. MCCRERY, Mr. MACHTLEY, Ms. MOLINARI, Mrs. MORELLA, Mr. PAXON, Mr. PORTER, Mr. RAMSTAD, Mr. RIDGE, Mr. ROHRBACHER, Mr. SANTORUM, Mr. SCHIFF, Mr. SENSENBRENNER, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Ms. SNOWE, Mr. SOLOMON, Mr. THOMAS of Wyoming, Mr. THOMAS of California, Mr. WALKER, Mr. WALSH, Mr. WELDON, Mr. WOLF, Mr. ZELIFF, Mr. ZIMMER, Mr. HAYES, Mr. MOORHEAD, Mrs. MEYERS of Kansas, Mr. GOODLING, Mr. HASTERT, Mr. HEFLEY, Mr. PETRI, Mr. RAVENEL, Ms. ROSLEHTINEN, Mr. MYERS of Indiana, Mr. DICKEY, Mr. YOUNG of Florida, Mr. DREIER, Mr. FRANKS of New Jersey, Mr. FRANKS of Connecticut, Mr. GILLMOR, Mr. GOODLATTE, Mr. GUNDERSON, Mr. INHOFE, Mr. MCCOLLUM, Mr. OXLEY, Mr. McMILLAN, Mr. HOBSON, Mr. REGULA, Mr. TAYLOR of North Carolina, Mr. HOUGHTON, and Mr. SHAW) introduced the following bill; which was referred jointly to the Committees on House Administration, Education and Labor, the Judiciary, Government Operations, Ways and Means, and Rules

MAY 17, 1994

Additional sponsors: Mr. PACKARD, Mr. BARTLETT of Maryland, Mr. MCHUGH, Mr. JACOBS, Mr. INGLIS of South Carolina, Mr. BACCHUS of Florida, Mr. TORKILDSEN, Mr. SAM JOHNSON of Texas, Mr. MANN, Mrs. LLOYD, Mr. BALLENGER, Mr. ROYCE, Mr. CLEMENT, Mr. STARK, Ms. DELAURO, Mr. LEACH, Ms. LONG, Mr. PETE GEREN of Texas, Mr.

McHALE, Mr. PENNY, Mr. BROWDER, Mr. CARR of Michigan, Mr. McCURDY, Mr. POSHARD, Mr. DOOLEY, Mr. JOHNSON of Georgia, Mr. TAYLOR of Mississippi, Mr. LINDER, Mr. BACHUS of Alabama, Mr. MAZZOLI, Mr. BUYER, Mr. LEWIS of Florida, Mr. SCHAEFER, Mr. POMBO, Mr. BAESLER, Mr. GREENWOOD, Mr. SUNDQUIST, Mr. FRANK of Massachusetts, Mr. MINGE, Mr. INSLEE, Mr. BARRETT of Wisconsin, Mr. KLINK, Mr. EVERETT, Ms. DUNN, Mr. HUTCHINSON, Mr. ROEMER, Mr. BOEHNER, Mr. CASTLE, Mr. ROTH, Mr. LAZIO, Mr. GILMAN, Mr. TALENT, Mr. ANDREWS of Maine, Mr. BAKER of California, Mr. HOEKSTRA, Mr. KNOLLENBERG, Mr. MILLER of Florida, Mrs. BYRNE, Mr. CONDIT, Mr. GUTIERREZ, Mr. PARKER, Mr. PAYNE of Virginia, Ms. SCHENK, Mr. ISTOOK, Mr. WYDEN, Mr. DORNAN, Mr. SHUSTER, Mr. CRAMER, Mr. HANCOCK, Mr. BROWN of Ohio, Ms. DANNER, Mr. GLICKMAN, Mr. BISHOP, Mr. STENHOLM, Mr. POMEROY, Ms. MARGOLIES-MEZVINSKY, Mr. COOPER, Mr. COMBEST, Mr. SMITH of Oregon, Mr. STUMP, Mrs. VUCANOVICH, Mr. KIM, Mr. MCKEON, Mr. MEEHAN, Mr. CANADY, Mr. MANZULLO, Mr. FLAKE, Ms. HARMAN, Mr. HASTINGS, Mr. MCINNIS, Ms. FURSE, Mr. HOLDEN, Mr. BECERRA, Ms. CANTWELL, Mr. EVANS, Ms. WOOLSEY, Ms. ESHOO, Mrs. MALONEY, Ms. SHEPHERD, Mr. STUPAK, Mr. COLLINS of Georgia, Mr. ANDREWS of New Jersey, Mr. KREIDLER, Mr. TUCKER, Mr. ENGEL, Mr. HAMBURG, Mr. FINGERHUT, Mr. COPPERSMITH, Mr. MICA, Mr. QUINN, Mr. TRAFICANT, Mr. HOKE, Ms. PRYCE of Ohio, Mr. DEUTSCH, Mr. DARDEN, Mr. KINGSTON, Mr. REYNOLDS, Mr. GRAMS, Mr. DIAZ-BALART, Mr. CLYBURN, Mr. FISH, Mr. BROWN of California, Mrs. KENNELLY, Mr. BONILLA, Ms. ENGLISH of Arizona, Mr. CALVERT, Mr. HUFFINGTON, Mr. HORN, Mr. PORTMAN, Mr. SKEEN, Mr. LEVY, Mr. KING, Mr. SMITH of Michigan, Mr. KLEIN, Ms. LAMBERT, Mr. GEJDENSON, Mr. HINCHEY, Mrs. CLAYTON, Mr. PETERSON of Florida, Mr. STRICKLAND, Mr. HOAGLAND, Mr. GENE GREEN of Texas, Mrs. THURMAN, Mr. BARCA of Wisconsin, Mr. SANDERS, Mr. RUSH, Mr. WYNN, Mr. GORDON, Mr. TORRES, Mr. ANDREWS of Texas, Mr. REED, Mr. MARTINEZ, Mr. COSTELLO, Mr. KILDEE, Mr. WHEAT, Mr. SAXTON, Mr. WISE, Mr. JOHNSON of South Dakota, Mr. KYL, and Mr. GRANDY

A BILL

To make applicable to the Congress certain laws relating to the terms and conditions of employment, the health and safety of employees, and the rights and responsibilities of employers and employees, and for other purposes.

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 Ac-
3 countability Act”.

4 **SEC. 2. APPLICATION.**

5 (a) **GENERAL RULE.**—Notwithstanding any other
6 provision of law, the laws specified in subsection (b) shall,
7 to the extent that they relate to the terms and conditions
8 of employment (including hiring, promotion or demotion,
9 salary, benefits, work assignments or reassignments, over-
10 time, and termination), the health and safety of employ-
11 ees, and the rights and responsibilities of employers and
12 employees, apply to the Congress in the same manner and
13 to the same extent as they apply—

14 (1) in the case of a private person, to such a
15 person; and

16 (2) in the case of an Executive agency (as de-
17 fined by section 105 of title 5, United States Code),
18 to such an agency.

19 (b) **LAWS MADE APPLICABLE TO CONGRESS BY THIS**
20 **ACT.**—The laws referred to in subsection (a) are the fol-
21 lowing:

22 (1) Social Security Act (42 U.S.C. 301 et seq.).

23 (2) National Labor Relations Act (29 U.S.C.
24 151 et seq.).

25 (3) Fair Labor Standards Act of 1938 (29
26 U.S.C. 201 et seq.).

1 (4) Civil Rights Act of 1964.

2 (5) Age Discrimination in Employment Act of
3 1967 (29 U.S.C. 621 et seq.).

4 (6) Occupational Safety and Health Act of
5 1970 (29 U.S.C. 651 et seq.).

6 (7) Title IX of the Education Amendments of
7 1972.

8 (8) Rehabilitation Act of 1973 (29 U.S.C. 701
9 et seq.).

10 (9) Privacy Act of 1974 (5 U.S.C. 552a, 552a
11 note).

12 (10) Age Discrimination Act of 1975 (42
13 U.S.C. 6101 et seq.).

14 (11) Ethics in Government Act of 1978.

15 (12) Americans with Disabilities Act of 1990.

16 (c) APPLICATION OF THE FREEDOM OF INFORMA-
17 TION ACT.—The Congress, and the instrumentalities of
18 Congress, shall be subject to section 552 of title 5, United
19 States Code (commonly referred to as the “Freedom of
20 Information Act”) to the same extent that Executive agen-
21 cies (as defined by section 105 of title 5, United States
22 Code) are subject to such section 552.

23 (d) APPLICATION OF INDEPENDENT COUNSEL PRO-
24 VISIONS.—Chapter 40 of title 28, United States Code (re-
25 lating to independent counsel), shall apply to the Con-

1 gress, such that the individuals referred to in subsection
2 (e) (1), (2), (3), (6), and (7) of this Act shall be deemed
3 to be included in section 591(b) of title 28, United States
4 Code.

5 (e) INDIVIDUALS COVERED BY ACT.—This Act shall
6 apply to the following individuals:

7 (1) A Senator or Representative in, or Resident
8 Commissioner or Delegate to, the Congress (here-
9 after in this Act referred to as “Members”).

10 (2) An employee of either House of Congress,
11 of a committee of either House, or a joint committee
12 of the two Houses.

13 (3) An elected officer of either House who is
14 not a Member.

15 (4) The Legislative Counsel of either House
16 and an employee of the Legislative Counsel.

17 (5) A member of the Capitol Police.

18 (6) An employee of a Member if the pay of the
19 employee is paid by the Secretary of the Senate or
20 the Clerk of the House of Representatives.

21 (7) An employee of the instrumentalities of
22 Congress, including the Congressional Research
23 Service, the Office of Technology Assessment, the
24 General Accounting Office, the Office of the Archi-
25 tect of the Capitol, the Botanic Gardens, the Gov-

1 ernment Printing Office, the Library of Congress,
2 the Congressional Budget Office, and the Copyright
3 Royalty Tribunal.

4 (f) EMPLOYEES IN THE DISTRICT OR STATE OFFICE
5 OF A MEMBER.—For the purposes of determining whether
6 the individuals employed in the district or State office of
7 a Member are subject to the laws set forth in section 2,
8 the district or State office shall be treated as if it were
9 an affiliated branch of a private employer under the laws
10 in section 2.

11 (g) PLACE OF RESIDENCE AND POLITICAL AFFILI-
12 ATION.—Notwithstanding the laws set forth in section 2,
13 a Member may consider the political affiliation and place
14 of residence of an individual seeking employment on the
15 personal staff of that Member.

16 (h) CONFORMING AMENDMENT.—Section 509 of the
17 Americans with Disabilities Act of 1990 (104 Stat. 373)
18 is repealed.

19 (i) APPLICATION OF SMALL BUSINESS EXEMPTION
20 TO MEMBERS.—To the extent that a law referred to in
21 section 2 contains an exemption for a small business, such
22 an exemption shall apply to a Member if the aggregate
23 number of employees of the Member and employees attrib-
24 utable to the Member does not exceed the number of em-
25 ployees necessary to qualify as a small business under the

1 exemption. For the purpose of this subsection, the number
2 of employees attributable to a Member equals the result
3 of the sum of the employees specified in subsection (e)
4 (2), (3), (4), (6), and (7) who work in the District of Co-
5 lumbia and are employed by the House in which that
6 Member sits, divided by the number of Members in that
7 House.

8 **SEC. 3. PROMULGATION OF IMPLEMENTING REGULATIONS.**

9 Not later than the 180-day period beginning on the
10 date of enactment of this Act, the House of Representa-
11 tives and the Senate shall each promulgate rules and regu-
12 lations to carry out this Act, including specifically imple-
13 menting each of the laws set forth in section 2. Such rules
14 and regulations shall be consistent with Federal law. A
15 House of Congress that fails to promulgate such rules and
16 regulations within such time period shall be subject to the
17 regulations of the relevant Executive agency.

18 **SEC. 4. RIGHT OF APPEAL.**

19 If any individual referred to in section 2(e) is ag-
20 grieved by an action taken pursuant to this Act, such indi-
21 vidual may seek review of that action in a Federal district
22 court of competent jurisdiction and shall have the same
23 rights and remedies provided to private persons under the
24 laws referred to in section 2.

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