

104TH CONGRESS
1ST SESSION

H. R. 287

To eliminate the exemption for Congress or for the United States from the application of certain provisions of Federal law relating to employment and privacy, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mr. JACOBS introduced the following bill; which was referred to the Committee on Economic and Educational Opportunities and, in addition, to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To eliminate the exemption for Congress or for the United States from the application of certain provisions of Federal law relating to employment and privacy, 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,*

3 **SECTION 1. PURPOSE.**

4 It is the purpose of this Act to eliminate the exemp-
5 tion for the Congress or for the Federal Government, as
6 the case may be, in the provisions of Federal law described
7 in this Act.

1 **SEC. 2. LABOR-MANAGEMENT RELATIONS.**

2 (a) DEFINITION OF EMPLOYER.—Section 2(2) of the
3 National Labor Relations Act (29 U.S.C. 152(2)) is
4 amended by striking out “but shall not include the United
5 States or any wholly owned Government corporation, or”
6 and inserting in lieu thereof the following: “and includes
7 the United States, and any unit of the legislative branch
8 of the Federal Government, but shall not include”.

9 (b) TECHNICAL AMENDMENTS.—Section 7 of such
10 Act (29 U.S.C. 157) is amended—

11 (1) by striking out “Employees” and inserting
12 in lieu thereof “(a) Except as provided in subsection
13 (b), employees”; and

14 (2) by adding at the end thereof the following
15 new subsection:

16 “(b) Nothing contained in the provisions of sub-
17 section (a) of this section shall be construed to limit the
18 application of the provisions of section 7311 of title 5,
19 United States Code.”.

20 **SEC. 3. FAIR LABOR STANDARDS; EQUAL PAY.**

21 (a) DEFINITION.—Section 3(e)(2)(A)(iii) of the Fair
22 Labor Standards Act of 1938 (29 U.S.C.
23 203(e)(2)(A)(iii)) is amended to read as follows:

24 “(iii) in any unit of the legislative
25 branch of the Government, or in any unit
26 of the judicial branch of the Government

1 which has positions in the competitive serv-
2 ice,”.

3 (b) COVERAGE.—Section 8 of the Fair Labor Stand-
4 ards Amendments of 1989 is repealed.

5 **SEC. 4. OCCUPATIONAL SAFETY AND HEALTH.**

6 (a) DEFINITION OF EMPLOYER.—Section 3(5) of the
7 Occupational Safety and Health Act of 1970 (29 U.S.C.
8 652(5)) is amended by striking out “but does not include
9 the United States or” and inserting in lieu thereof “and
10 does include the United States (including any unit of the
11 legislative branch of the Federal Government) but does
12 not include”.

13 (b) DEFINITION OF EMPLOYEE.—Section 3(6) of
14 such Act (29 U.S.C. 652(6)) is amended by inserting be-
15 fore the period a comma and the following: “and the em-
16 ployees of the United States (including any unit of the
17 legislative branch of the Federal Government) shall be
18 deemed to be employed in a business affecting commerce
19 for the purpose of this Act”.

20 **SEC. 5. FREEDOM OF INFORMATION AND PRIVACY.**

21 Section 552(f) of title 5, United States Code, is
22 amended by striking out “or“ before “any independent”
23 and by inserting before the period a comma and the follow-
24 ing: “or any unit of the legislative branch of the Federal
25 Government”.

1 **SEC. 6. AGE DISCRIMINATION IN EMPLOYMENT ACT OF**
2 **1967.**

3 Section 11(b) of the Age Discrimination in Employ-
4 ment Act of 1967 (29 U.S.C. 630(b)) is amended (1) by
5 striking out “and” before “(2)”, (2) by inserting before
6 “but” the following: “and (3) the United States Govern-
7 ment”, and (3) by striking out “the United States, or”.

8 **SEC. 7. AMERICANS WITH DISABILITIES ACT OF 1990.**

9 Section 101(5)(B) of the Americans with Disabilities
10 Act of 1990 (42 U.S.C. 12111(5)(B)) is amended by strik-
11 ing out “the United States,”.

12 **SEC. 8. EFFECTIVE DATE.**

13 The amendments made by this Act shall take effect
14 30 days after the date of enactment of this Act.

○