

118TH CONGRESS
1ST SESSION

S. 2850

To extend protections to part-time workers in the areas of family and medical leave and to ensure equitable treatment in the workplace.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 19, 2023

Ms. WARREN (for herself, Mr. SANDERS, Mr. WHITEHOUSE, Mr. MARKEY, Mr. CASEY, Mr. BOOKER, Mr. WELCH, Mrs. MURRAY, and Mr. PADILLA) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To extend protections to part-time workers in the areas of family and medical leave and to ensure equitable treatment in the workplace.

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. SHORT TITLE.**

4 This Act may be cited as the “Part-Time Worker Bill
5 of Rights Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—EXPANDING ACCESS TO BENEFITS FOR PART-TIME
WORKERS

Sec. 101. Elimination of hours of service requirement for FMLA leave.

TITLE II—ENSURING FAIR TREATMENT FOR PART-TIME AND
TEMPORARY WORKERS

Sec. 201. Definitions.

Sec. 202. Elimination of discrimination on the basis of hours worked.

Sec. 203. Offer of work to existing employees.

Sec. 204. Prohibited acts.

Sec. 205. Remedies and enforcement.

Sec. 206. Regulations.

1 **TITLE I—EXPANDING ACCESS TO**
2 **BENEFITS FOR PART-TIME**
3 **WORKERS**

4 **SEC. 101. ELIMINATION OF HOURS OF SERVICE REQUIRE-**
5 **MENT FOR FMLA LEAVE.**

6 (a) AMENDMENT.—Section 101(2)(A) of the Family
7 and Medical Leave Act of 1993 (29 U.S.C. 2611(2)(A))
8 is amended to read as follows:

9 “(A) IN GENERAL.—The term ‘eligible em-
10 ployee’ means an employee who has been em-
11 ployed for at least 90 days by the employer with
12 respect to whom leave is requested under sec-
13 tion 102.”.

14 (b) AMENDMENTS TO RELATED STATUTES.—

15 (1) CONGRESSIONAL ACCOUNTABILITY ACT OF
16 1995.—Section 202(a)(2)(B) of the Congressional
17 Accountability Act of 1995 (2 U.S.C.
18 1312(a)(2)(B)) is amended by striking “12 months
19 and for at least 1,250 hours of employment during

1 the previous 12 months” and inserting “at least 90
2 days”.

3 (2) TITLE 3, UNITED STATES CODE.—Section
4 412(a)(2)(B) of title 3, United States Code, is
5 amended by striking “12 months and for at least
6 1,250 hours of employment during the previous 12
7 months” and inserting “at least 90 days”.

8 (3) TITLE 5, UNITED STATES CODE.—Chapter
9 63 of title 5, United States Code, is amended—

10 (A) in section 6381(1)(B), by striking “at
11 least 12 months of service” and inserting “at
12 least 90 days of service”; and

13 (B) in section 6382(d)(2)(E), by striking
14 “at least 12 months of service” and inserting
15 “at least 90 days of service”.

16 (c) CONFORMING AMENDMENTS.—

17 (1) Section 101(2) of the Family and Medical
18 Leave Act of 1993 (29 U.S.C. 2611(2)) is amend-
19 ed—

20 (A) by striking subparagraphs (C) and
21 (D); and

22 (B) by redesignating subparagraph (E) as
23 subparagraph (C).

24 (2) Section 102(a) of such Act (29 U.S.C.
25 2612(a)) is amended by striking paragraph (5).

1 (d) EFFECTIVE DATE.—The amendments made by
2 subsections (a), (b), and (c) shall take effect beginning
3 on the date that is 1 year after the date of enactment
4 of this Act.

5 **TITLE II—ENSURING FAIR**
6 **TREATMENT FOR PART-TIME**
7 **AND TEMPORARY WORKERS**

8 **SEC. 201. DEFINITIONS.**

9 In this title:

10 (1) EMPLOY.—The term “employ” has the
11 meaning given the term in section 3(g) of the Fair
12 Labor Standards Act of 1938 (29 U.S.C. 203(g)).

13 (2) EMPLOYEE.—The term “employee” means
14 an individual who is—

15 (A) an employee, as defined in section 3(e)
16 of the Fair Labor Standards Act of 1938 (29
17 U.S.C. 203(e)), who is not covered under any of
18 subparagraphs (B) through (F), except that a
19 reference in such section to an employer shall
20 be considered to be a reference to a person in
21 commerce described in paragraph (3)(A);

22 (B) a State employee described in section
23 304(a) of the Government Employee Rights Act
24 of 1991 (42 U.S.C. 2000e–16c(a));

1 (C) a covered employee, as defined in sec-
2 tion 101 of the Congressional Accountability
3 Act of 1995 (2 U.S.C. 1301), except that such
4 term shall not include an applicant for employ-
5 ment;

6 (D) a covered employee, as defined in sec-
7 tion 411(e) of title 3, United States Code;

8 (E) a Federal officer or employee covered
9 under subchapter V of chapter 63 of title 5,
10 United States Code; or

11 (F) an employee of the Government Ac-
12 countability Office.

13 (3) EMPLOYER.—The term “employer”—

14 (A)(i) means any person in commerce
15 that—

16 (I) employs more than 15 employees
17 described in paragraph (2)(A), which shall
18 be calculated by including all employees de-
19 scribed in paragraph (2)(A) performing
20 work for compensation on a full-time, part-
21 time, or temporary basis, except that if the
22 number of such employees who perform
23 work for such a person for compensation
24 fluctuates, the number may be determined
25 for a calendar year based upon the average

1 number of such employees who performed
2 work for the person for compensation dur-
3 ing the preceding calendar year; or

4 (II) is part of an integrated enter-
5 prise, chain of businesses, group of fran-
6 chises associated with a franchisor, or net-
7 work of franchises that, in the aggregate,
8 employs more than 15 employees, cal-
9 culated in accordance with subclause (I);

10 (ii) includes—

11 (I) any person who acts, directly or
12 indirectly, in the interest of such an em-
13 ployer to any of the employees (described
14 in clause (i)) of such employer; and

15 (II) any successor in interest of such
16 an employer; and

17 (iii) includes an agency described in sub-
18 paragraph (A)(iii) of section 101(4) of the
19 Family and Medical Leave Act of 1993 (29
20 U.S.C. 2611(4)), to which subparagraph (B) of
21 such section shall apply;

22 (B) is an entity employing a State em-
23 ployee described in section 304(a) of the Gov-
24 ernment Employee Rights Act of 1991 (42
25 U.S.C. 2000e–16c(a));

1 (C) is an employing office, as defined in
2 section 101 of the Congressional Accountability
3 Act of 1995 (2 U.S.C. 1301);

4 (D) is an employing office, as defined in
5 section 411(c) of title 3, United States Code;

6 (E) is an employing agency covered under
7 subchapter V of chapter 63 of title 5, United
8 States Code; or

9 (F) is the Comptroller General of the
10 United States.

11 (4) PERSON.—The term “person”, except as
12 used with the term “person in commerce”, has the
13 meaning given the term in section 3(a) of the Fair
14 Labor Standards Act of 1938 (29 U.S.C. 203(a)).

15 (5) PERSON IN COMMERCE.—

16 (A) IN GENERAL.—The term “person in
17 commerce” means any person who is engaged
18 in commerce, in any industry or activity affect-
19 ing commerce, or in the production of goods for
20 commerce.

21 (B) COMMERCE.—In subparagraph (A),
22 the term “commerce” includes government.

23 (6) SECRETARY.—The term “Secretary” means
24 the Secretary of Labor.

1 **SEC. 202. ELIMINATION OF DISCRIMINATION ON THE BASIS**
2 **OF HOURS WORKED.**

3 (a) RULE.—

4 (1) IN GENERAL.—An employer shall not dis-
5 criminate against an employee on the basis that
6 such employee is scheduled to work fewer hours per
7 week, or is employed for a shorter expected duration,
8 than another employee of the employer if the jobs of
9 such employees require substantially equal skill, ef-
10 fort, responsibility, and duties and such jobs are per-
11 formed under similar working conditions.

12 (2) EXAMPLES.—Discrimination described in
13 paragraph (1) shall include differential treatment
14 with respect to—

15 (A) rate of compensation;

16 (B) notice of, and input into, work hours;

17 (C) eligibility to accrue, on a pro rata
18 basis, employer-provided paid and unpaid time
19 off and other benefits;

20 (D) promotion opportunities; or

21 (E) other terms, conditions, or privileges of
22 employment.

23 (b) DISTINCTIONS PERMITTED.—This section shall
24 not be construed to prohibit differences in rate of com-
25 pensation, or other conditions, terms, or privileges of em-
26 ployment, of employees of an employer for reasons other

1 than the number of hours the employees are scheduled to
2 work per week, or the expected duration of employment
3 of the employees, including for reasons such as—

4 (1) the date on which the employees are hired;

5 (2) a merit system; or

6 (3) a system that measures earnings by quan-
7 tity per hour or quality of production.

8 **SEC. 203. OFFER OF WORK TO EXISTING EMPLOYEES.**

9 (a) WRITTEN STATEMENTS REQUIRED.—Upon hir-
10 ing an employee, an employer shall—

11 (1) obtain a written statement of the employee’s
12 desired number of weekly work hours and the days
13 and times the employee is available to work;

14 (2) notify the employee that this written state-
15 ment may be modified in writing at any time during
16 employment; and

17 (3) specify the process to modify the written
18 statement.

19 (b) OFFER OF DESIRED WEEKLY WORK HOURS TO
20 EXISTING EMPLOYEES.—

21 (1) IN GENERAL.—Except as provided in para-
22 graph (2), an employer shall schedule an employee
23 to work the number of weekly hours identified by the
24 employee as desired weekly hours in a written state-
25 ment under subsection (a) prior to hiring any new

1 employee from an external applicant pool, including
2 hiring through the use of a temporary services or
3 staffing agency, or contracting with a contractor or
4 subcontractor, to work such hours.

5 (2) EXCEPTIONS.—An employer may hire an
6 individual as a new employee, or engage a contractor
7 or subcontractor, to perform work for the employer
8 if—

9 (A) the employer needs to fill hours for
10 which no existing employees who have provided
11 written statements under subsection (a) are
12 available based on such written statements;

13 (B) all existing employees who have pro-
14 vided written statements under subsection (a)
15 lack, and cannot obtain with reasonable train-
16 ing, the qualifications necessary to perform the
17 work; or

18 (C) scheduling any such employee to per-
19 form the work would require providing such em-
20 ployee overtime compensation at a rate not less
21 than one and one half times the regular rate at
22 which the employee is employed, in accordance
23 with section 7 of the Fair Labor Standards Act
24 of 1938 (29 U.S.C. 207) or any State law.

25 (c) COMPENSATION REQUIRED.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), an employee (referred to in this sub-
3 section as an “existing employee”) who is not sched-
4 uled for the desired number of total weekly work
5 hours identified by the employee in a written state-
6 ment under subsection (a) shall be compensated for
7 each hour worked by a newly hired employee, con-
8 tractor, or subcontractor hired after the existing em-
9 ployee so identified such number of hours, during an
10 hour that such existing employee identified in a writ-
11 ten statement under such subsection as an hour for
12 which the employee is available to work.

13 (2) EXCEPTION.—An employer shall not be re-
14 quired to compensate an existing employee under
15 paragraph (1) for any hour of work for which—

16 (A) the employee lacks, or cannot obtain
17 with reasonable training, the qualifications nec-
18 essary to perform the work;

19 (B) scheduling such employee to perform
20 the work would require providing the employee
21 overtime compensation as described in sub-
22 section (b)(2)(C);

23 (C) the employer made a reasonable at-
24 tempt to contact the employee to work such
25 hour and was unable to reach the employee; or

1 (D) the employee was otherwise no longer
2 available.

3 (d) DEFINITION.—For purposes of this section, the
4 terms “written”, with respect to a statement, and “writ-
5 ing” mean a printed or printable communication in phys-
6 ical or electronic form.

7 **SEC. 204. PROHIBITED ACTS.**

8 (a) INTERFERENCE WITH RIGHTS.—It shall be un-
9 lawful for any employer to interfere with, restrain, or deny
10 the exercise or the attempt to exercise, any rights set forth
11 under this title.

12 (b) RETALIATION PROHIBITED.—It shall be unlawful
13 for any employer to discharge, threaten to discharge, de-
14 mote, suspend, reduce work hours of, or otherwise dis-
15 criminate (including taking any other adverse employment
16 action) against any person because of an employee of the
17 employer exercising the rights of the employee under this
18 title or opposing any practice made unlawful by this title.

19 (c) INTERFERENCE WITH PROCEEDINGS OR INQUIR-
20 IES.—It shall be unlawful for any person to discharge or
21 in any other manner discriminate against an individual be-
22 cause such individual—

23 (1) has filed any charge, or has instituted or
24 caused to be instituted any proceeding, under or re-
25 lated to this title;

1 (2) has given, or is about to give, any informa-
2 tion in connection with any inquiry or proceeding re-
3 lating to any right provided under this title; or

4 (3) has testified, or is about to testify, in any
5 inquiry or proceeding relating to any right provided
6 under this title.

7 **SEC. 205. REMEDIES AND ENFORCEMENT.**

8 (a) INVESTIGATIVE AUTHORITY.—

9 (1) IN GENERAL.—To ensure compliance with
10 this title, including any regulation or order issued
11 under this title, the Secretary shall have, subject to
12 paragraph (3), the investigative authority provided
13 under section 11(a) of the Fair Labor Standards
14 Act of 1938 (29 U.S.C. 211(a)).

15 (2) OBLIGATION TO KEEP AND PRESERVE
16 RECORDS.—

17 (A) IN GENERAL.—Each employer shall
18 maintain for a period of not less than 3 years,
19 or for the duration of any claim (including the
20 duration of a related civil action or investiga-
21 tion) pending pursuant to this title, whichever
22 is longer, all records necessary to demonstrate
23 compliance with this title, including compliance
24 with the requirements of regulations issued by
25 the Secretary under section 206. Such records

1 shall include documentation of offers of hours
2 of work to employees and responses to such of-
3 fers.

4 (B) COPIES.—Each employer shall, upon a
5 reasonable request of an employee of the em-
6 ployer, provide the employee with a copy of the
7 records described in subparagraph (A) relating
8 to the employee.

9 (3) REQUIRED SUBMISSIONS GENERALLY LIM-
10 ITED TO AN ANNUAL BASIS.—The Secretary shall
11 not require, under the authority of this subsection,
12 any employer to submit to the Secretary any books
13 or records more than once during any 12-month pe-
14 riod, unless the Secretary has reasonable cause to
15 believe there may exist a violation of this title, in-
16 cluding any regulation or order issued pursuant to
17 this title, or is investigating a charge pursuant to
18 subsection (c).

19 (4) SUBPOENA POWERS.—For the purposes of
20 any investigation provided for in this subsection, the
21 Secretary shall have the subpoena authority provided
22 for under section 9 of the Fair Labor Standards Act
23 of 1938 (29 U.S.C. 209).

24 (b) CIVIL ACTION BY EMPLOYEES.—

25 (1) LIABILITY.—

1 (A) IN GENERAL.—Any employer who vio-
2 lates section 202, 203, or 204 (each such provi-
3 sion referred to in this section as a “covered
4 provision”) shall be liable to any person af-
5 fected for—

6 (i) damages equal to the amount of—

7 (I) any wages, salary, employ-
8 ment benefits (as defined in section
9 101 of the Family and Medical Leave
10 Act of 1993 (29 U.S.C. 2611)), or
11 other compensation denied, lost, or
12 owed to such employee by reason of
13 the violation; or

14 (II) in a case in which wages,
15 salary, employment benefits (as so de-
16 fined), or other compensation have
17 not been denied, lost, or owed to the
18 employee, any actual monetary losses
19 sustained by the employee as a direct
20 result of the violation;

21 (ii) interest on the amount described
22 in clause (i) calculated at the prevailing
23 rate;

24 (iii) except as provided in subpara-
25 graph (B), an additional amount as liq-

1 liquidated damages equal to the sum of the
2 amount described in clause (i) and the in-
3 terest described in clause (ii); and

4 (iv) such equitable relief as may be
5 appropriate, including employment, rein-
6 statement, and promotion.

7 (B) EXCEPTION FOR LIQUIDATED DAM-
8 AGES.—If an employer who has violated a cov-
9 ered provision proves to the satisfaction of the
10 court that the act or omission which violated
11 the covered provision was in good faith and that
12 the employer had reasonable grounds for believ-
13 ing that the act or omission was not a violation
14 of a covered provision, such court may, in the
15 discretion of the court, reduce the amount of li-
16 ability under subparagraph (A) to the amount,
17 interest, and equitable relief determined under
18 clauses (i), (ii), and (iv), respectively.

19 (2) RIGHT OF ACTION.—An action to recover
20 the damages, interest, or equitable relief set forth in
21 paragraph (1) may be maintained against any em-
22 ployer (including a public agency) in any Federal or
23 State court of competent jurisdiction by any one or
24 more employees for and on behalf of—

25 (A) such employees; or

1 (B) such employees and any other employ-
2 ees similarly situated.

3 (3) FEES AND COSTS.—The court in such an
4 action shall, in addition to any judgment awarded to
5 the plaintiff, allow a reasonable attorney’s fee, rea-
6 sonable expert witness fees, and other costs of the
7 action to be paid by the defendant.

8 (4) LIMITATIONS.—The right provided by para-
9 graph (2) to bring an action by or on behalf of any
10 employee shall terminate on the filing of a complaint
11 by the Secretary in an action under subsection (c)(4)
12 in which a recovery is sought of the damages, inter-
13 est, or equitable relief described in paragraph (1)(A)
14 owing to an employee by an employer liable under
15 paragraph (1) unless the action is dismissed without
16 prejudice on motion of the Secretary.

17 (c) ACTIONS BY THE SECRETARY.—

18 (1) ADMINISTRATIVE ACTION.—The Secretary
19 shall receive, investigate, and attempt to resolve
20 complaints of violations of this title in the same
21 manner that the Secretary receives, investigates, and
22 attempts to resolve complaints of violations of sec-
23 tions 6 and 7 of the Fair Labor Standards Act of
24 1938 (29 U.S.C. 206 and 207), and may issue an
25 order making determinations, and assessing a civil

1 penalty described in paragraph (3) (in accordance
2 with such paragraph), with respect to such an al-
3 leged violation.

4 (2) ADMINISTRATIVE REVIEW.—An affected
5 person who takes exception to an order issued under
6 paragraph (1) may request review of and a decision
7 regarding such an order by an administrative law
8 judge. In reviewing the order, the administrative law
9 judge may hold an administrative hearing con-
10 cerning the order, in accordance with the require-
11 ments of sections 554, 556, and 557 of title 5,
12 United States Code. Such hearing shall be conducted
13 expeditiously.

14 (3) CIVIL PENALTY.—

15 (A) IN GENERAL.—An employer who will-
16 fully and repeatedly violates—

17 (i) section 204(a) shall be subject to
18 a civil penalty in an amount to be deter-
19 mined by the Secretary, but not to be less
20 than \$500, or more than \$1,000, per viola-
21 tion (subject to subparagraph (B)); or

22 (ii) subsection (b) or (c) of section
23 204 shall be subject to a civil penalty in an
24 amount to be determined by the Secretary,
25 but not to be less than \$1,100, or more

1 than \$5,000, per violation (subject to sub-
2 paragraph (B)).

3 (B) INFLATION.—The Secretary shall, for
4 each year beginning with calendar year 2024,
5 increase the minimum and maximum amounts
6 for the penalties described in clauses (i) and (ii)
7 of subparagraph (A) by a percentage equal to
8 the percentage increase in the Consumer Price
9 Index for All Urban Consumers, published by
10 the Department of Labor, between December
11 2023 and the December prior to the year for
12 which the increase takes effect.

13 (C) WILLFUL VIOLATION.—For purposes
14 of this section, an employer willfully violates a
15 provision of section 204 when, after taking into
16 account all of the facts and circumstances sur-
17 rounding the violation, it is determined that the
18 employer—

19 (i) knew that its conduct was prohib-
20 ited by such section; or

21 (ii) showed reckless disregard for the
22 requirements of such section.

23 (4) CIVIL ACTION.—

1 (A) IN GENERAL.—The Secretary may
2 bring an action in any court of competent juris-
3 diction on behalf of aggrieved employees to—

4 (i) restrain violations of this title;

5 (ii) obtain such equitable relief as may
6 be appropriate, including employment, re-
7 instatement, and promotion; and

8 (iii) in the case of a violation of a cov-
9 ered provision, recover the damages, inter-
10 est, and equitable relief described in
11 clauses (i) through (iv) of subsection
12 (b)(1)(A).

13 (B) RECOVERY ON BEHALF OF EMPLOY-
14 EES.—Any sums recovered by the Secretary
15 under subparagraph (A) on behalf of an em-
16 ployee shall be held in a special deposit account
17 and shall be paid, on order of the Secretary, di-
18 rectly to the employee affected. Any such sums
19 not paid to an employee because of inability to
20 do so within a period of 3 years shall be depos-
21 ited in the Treasury and credited to miscella-
22 neous receipts.

23 (d) LIMITATION.—

24 (1) IN GENERAL.—Except as provided in para-
25 graph (2), an action may be brought under this sec-

1 tion not later than 2 years after the date of the last
2 event constituting the alleged violation for which the
3 action is brought.

4 (2) WILLFUL VIOLATION.—In the case of such
5 action brought for a willful violation of section 204
6 (as described in subsection (c)(3)), such action may
7 be brought within 3 years of the date of the last
8 event constituting the alleged violation for which
9 such action is brought.

10 (3) COMMENCEMENT.—In determining when an
11 action is commenced by the Secretary or by an em-
12 ployee under this section for the purposes of this
13 subsection, it shall be considered to be commenced
14 on the date when the complaint is filed.

15 (e) OTHER ADMINISTRATIVE OFFICERS.—

16 (1) EMPLOYEES COVERED BY CONGRESSIONAL
17 ACCOUNTABILITY ACT OF 1995.—The powers and
18 procedures provided in the Congressional Account-
19 ability Act of 1995 (2 U.S.C. 1301 et seq.) to the
20 Board (as defined in section 101 of that Act (2
21 U.S.C. 1301)), or any person, alleging a violation of
22 section 202(a)(1) of that Act (2 U.S.C. 1312(a)(1))
23 shall be the powers and procedures this title provides
24 to that Board, or any person, alleging a violation of

1 this title against an employee described in section
2 201(2)(C).

3 (2) EMPLOYEES COVERED BY CHAPTER 5 OF
4 TITLE 3, UNITED STATES CODE.—The powers and
5 procedures provided in chapter 5 of title 3, United
6 States Code, to the President, the Merit Systems
7 Protection Board, or any person, alleging a violation
8 of section 412(a)(1) of that title, shall be the powers
9 and procedures this title provides to the President,
10 that Board, or any person, respectively, alleging a
11 violation of this title against an employee described
12 in section 201(2)(D).

13 (3) EMPLOYEES COVERED BY CHAPTER 63 OF
14 TITLE 5, UNITED STATES CODE.—The powers and
15 procedures provided in title 5, United States Code,
16 to an employing agency, provided in chapter 12 of
17 that title to the Merit Systems Protection Board, or
18 provided in that title to any person, alleging a viola-
19 tion of chapter 63 of that title, shall be the powers
20 and procedures this title provides to that agency,
21 that Board, or any person, respectively, alleging a
22 violation of this title against an employee described
23 in section 201(2)(E).

24 (4) COMPTROLLER GENERAL.—In the case of
25 employees of the Government Accountability Office,

1 the authority of the Secretary under this title shall
2 be exercised by the Comptroller General of the
3 United States.

4 **SEC. 206. REGULATIONS.**

5 (a) SECRETARY OF LABOR.—Except as provided in
6 subsections (b) through (e), not later than 180 days after
7 the date of enactment of this Act, the Secretary shall issue
8 such regulations as may be necessary to implement this
9 title.

10 (b) BOARD.—

11 (1) IN GENERAL.—Not later than 180 days
12 after the date of enactment of this Act, the Board
13 of Directors of the Office of Congressional Work-
14 place Rights shall issue such regulations as may be
15 necessary to implement this title with respect to em-
16 ployees described in section 201(2)(C). The proce-
17 dures applicable to regulations of the Board issued
18 for the implementation of the Congressional Ac-
19 countability Act of 1995 (2 U.S.C. 1301 et seq.),
20 prescribed in section 304 of that Act (2 U.S.C.
21 1384), shall be the procedures applicable to regula-
22 tions issued under this subsection.

23 (2) CONSIDERATION.—In prescribing the regu-
24 lations, the Board shall take into consideration the
25 enforcement and remedies provisions concerning the

1 Office and applicable to rights and protections under
2 the Family and Medical Leave Act of 1993 (29
3 U.S.C. 2601 et seq.), under the Congressional Ac-
4 countability Act of 1995 (2 U.S.C. 1301 et seq.).

5 (3) MODIFICATIONS.—The regulations issued
6 under paragraph (1) to implement this title shall be
7 the same as substantive regulations issued by the
8 Secretary to implement this title, except to the ex-
9 tent that the Board may determine, for good cause
10 shown and stated together with the regulations
11 issued by the Board, that a modification of such
12 substantive regulations would be more effective for
13 the implementation of the rights and protections
14 under this title.

15 (c) PRESIDENT.—

16 (1) IN GENERAL.—Not later than 180 days
17 after the date of enactment of this Act, the Presi-
18 dent shall issue such regulations as may be nec-
19 essary to implement this title with respect to em-
20 ployees described in section 201(2)(D).

21 (2) CONSIDERATION.—In prescribing the regu-
22 lations, the President shall take into consideration
23 the enforcement and remedies provisions concerning
24 the President and the Merit Systems Protection
25 Board, and applicable to rights and protections

1 under the Family and Medical Leave Act of 1993,
2 under chapter 5 of title 3, United States Code.

3 (3) MODIFICATIONS.—The regulations issued
4 under paragraph (1) to implement this title shall be
5 the same as substantive regulations issued by the
6 Secretary to implement this title, except to the ex-
7 tent that the President may determine, for good
8 cause shown and stated together with the regula-
9 tions issued by the President, that a modification of
10 such substantive regulations would be more effective
11 for the implementation of the rights and protections
12 under this title.

13 (d) OFFICE OF PERSONNEL MANAGEMENT.—

14 (1) IN GENERAL.—Not later than 180 days
15 after the date of enactment of this Act, the Office
16 of Personnel Management shall issue such regula-
17 tions as may be necessary to implement this title
18 with respect to employees described in section
19 201(2)(E).

20 (2) CONSIDERATION.—In prescribing the regu-
21 lations, the Office shall take into consideration the
22 enforcement and remedies provisions concerning an
23 employing agency and the Merit Systems Protection
24 Board under subchapter V of chapter 63 of title 5,
25 United States Code.

1 (3) MODIFICATIONS.—The regulations issued
2 under paragraph (1) to implement this title shall be
3 the same as substantive regulations issued by the
4 Secretary to implement this title, except to the ex-
5 tent that the Office may determine, for good cause
6 shown and stated together with the regulations
7 issued by the Office, that a modification of such sub-
8 stantive regulations would be more effective for the
9 implementation of the rights and protections under
10 this title.

11 (e) COMPTROLLER GENERAL.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of enactment of this Act, the Comp-
14 troller General of the United States shall issue such
15 regulations as may be necessary to implement this
16 title with respect to employees of the Government
17 Accountability Office.

18 (2) CONSIDERATION.—In prescribing the regu-
19 lations, the Comptroller General shall take into con-
20 sideration the enforcement and remedies provisions
21 concerning the Comptroller General under title I of
22 the Family and Medical Leave Act of 1993 (29
23 U.S.C. 2611 et seq.).

24 (3) MODIFICATIONS.—The regulations issued
25 under paragraph (1) to implement this title shall be

1 the same as substantive regulations issued by the
2 Secretary to implement this title, except to the ex-
3 tent that the Comptroller General may determine,
4 for good cause shown and stated together with the
5 regulations issued by the Comptroller General, that
6 a modification of such substantive regulations would
7 be more effective for the implementation of the
8 rights and protections under this title.

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