

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

# H. R. 246

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.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mr. MCCANDLESS introduced the following bill; which was referred jointly to the Committees on Education and Labor, Government Operations, House Administration, the Judiciary, Rules, and Ways and Means

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## 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,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Congressional Ac-  
5       countability Act”.

1 **SEC. 2. APPLICATION.**

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

11 (1) in the case of a private person, to such a  
12 person; and

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

16 (b) LAWS MADE APPLICABLE TO CONGRESS BY THIS  
17 ACT.—The laws referred to in subsection (a) are the  
18 following:

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

20 (2) National Labor Relations Act (29 U.S.C.  
21 151 et seq.).

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

24 (4) Civil Rights Act of 1964.

25 (5) Age Discrimination in Employment Act of  
26 1967 (29 U.S.C. 621 et seq.).

1           (6) Occupational Safety and Health Act of  
2           1970 (29 U.S.C. 651 et seq.).

3           (7) Title IX of the Education Amendments of  
4           1972.

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

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

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

11          (11) Ethics in Government Act of 1978.

12          (12) Americans with Disabilities Act of 1990.

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

20          (d) APPLICATION OF INDEPENDENT COUNSEL PRO-  
21          VISIONS.—Chapter 40 of title 28, United States Code (re-  
22          lating to independent counsel), shall apply to the Con-  
23          gress, such that the individuals referred to in subsection  
24          (e) (1), (2), (3), (6), and (7) of this Act shall be deemed

1 to be included in section 591(b) of title 28, United States  
2 Code.

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

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

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

11 (3) An elected officer of either House who is  
12 not a Member.

13 (4) The Legislative Counsel of either House  
14 and an employee of the Legislative Counsel.

15 (5) A member of the Capitol Police.

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

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

1 the Congressional Budget Office, and the Copyright  
2 Royalty Tribunal.

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

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

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

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

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

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

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

17 **SEC. 4. RIGHT OF APPEAL.**

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

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