

103D CONGRESS  
1ST SESSION

# H. R. 3458

To amend the Occupational Safety and Health Act of 1970 to apply its provisions to the House of Representatives and instrumentalities of Congress.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 8, 1993

Mr. FAWELL introduced the following bill; which was referred jointly to the Committees on Education and Labor and House Administration

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## A BILL

To amend the Occupational Safety and Health Act of 1970 to apply its provisions to the House of Representatives and instrumentalities of Congress.

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 Safety  
5 and Health Act of 1993”.

6 **SEC. 2. COVERAGE OF THE HOUSE OF REPRESENTATIVES.**

7 The Occupational Safety and Health Act of 1970 (29  
8 U.S.C. 668) is amended by redesignating sections 20  
9 through 34 as sections 21 through 35, respectively, and  
10 by adding after section 19 the following:

1           “COVERAGE OF THE HOUSE OF  
2                               REPRESENTATIVES

3           “SEC. 20. (a) Each employing authority and instru-  
4 mentality of Congress shall comply with section 5, with  
5 the occupational safety and health standards issued under  
6 section 6, and with the requirements and regulations is-  
7 sued under section 8.

8           “(b) The Secretary shall conduct random inspections  
9 of places of employment under the jurisdiction or control  
10 of employing authorities and the instrumentalities of Con-  
11 gress. Such inspections shall be conducted at least once  
12 during each Congress. The Secretary shall also respond  
13 to any request that meets the conditions of section 8(f).  
14 Such inspections shall identify each condition which the  
15 Secretary believes is a violation of a requirement under  
16 section 5, of an occupational safety and health standard  
17 issued under section 6, or of a regulation issued under  
18 section 8. Upon completion of such inspection, the Sec-  
19 retary shall report all such conditions to the Director of  
20 Non-Legislative and Financial Services of the House of  
21 Representatives.

22           “(c) The Director of Non-Legislative and Financial  
23 Services of the House of Representatives, shall, as soon  
24 after the receipt of a report under subsection (b) as is  
25 practicable, appoint a special counsel to seek abatement

1 of any conditions identified in such report as not in com-  
2 pliance with the requirements of section 5, 6, or 8 and  
3 to assess appropriate penalties against the employing au-  
4 thority or instrumentality of Congress for noncompliance  
5 with such requirements. Section 17 shall apply in any en-  
6 forcement procedures brought under this subsection.

7       “(d) Any employing authority or instrumentality of  
8 Congress which is assessed a penalty under subsection (c)  
9 may appeal the assessment to the Office of Fair Employ-  
10 ment Practices which shall afford an opportunity for a  
11 hearing and shall thereafter issue a decision based on find-  
12 ings of fact which affirms, modifies, or vacates the actions  
13 of the special counsel appointed under subsection (c). Any  
14 person adversely affected or aggrieved by the decision of  
15 the Office of Fair Employment Practices may obtain re-  
16 view of such decision by the United States Court of Ap-  
17 peals for the circuit in which such violation is alleged to  
18 have occurred or by the Court of Appeals for the District  
19 of Columbia Circuit under the standards and conditions  
20 for review of orders by the Commission in section 11.

21       “(e)(1) No person shall discharge or in any manner  
22 discriminate against any employee because such employee  
23 has filed any complaint or instituted or caused to be insti-  
24 tuted under or related to this section or has testified or  
25 is about to testify in any such proceeding or because of

1 the exercise by such employee on behalf of such employee  
2 or others of any right afforded by this section.

3       “(2) Any employee who believes that such employee  
4 has been discharged or otherwise discriminated against by  
5 any such person in violation of paragraph (1) may, within  
6 30 days after such violation occurs, file a complaint with  
7 the Director of Non-Legislative and Financial Services.  
8 Upon receipt of such complaint the Director shall cause  
9 such investigation to be made as the Director deems ap-  
10 propriate. If upon such investigation, the Director deter-  
11 mines that paragraph (1) has been violated, the Director  
12 shall bring an action in any appropriate United States dis-  
13 trict court against such person. In any such action the  
14 United States district courts shall have jurisdiction for  
15 cause shown to restrain violations of paragraph (1) and  
16 order all appropriate relief, including rehiring or reinstate-  
17 ment of the employee to the employee’s former position  
18 with back pay.

19       “(3) Within 90 days of the receipt of a complaint  
20 filed under paragraph (2), the Director, shall notify the  
21 complainant of the Director’s determination under para-  
22 graph (2).

23       “(f) For purposes of this section—

24               “(1) the term ‘employing authority’ has the  
25 meaning given such term in the Fair Employment

1 Practices Resolution (House Resolution 558 of the  
2 One Hundredth Congress, as adopted October 4,  
3 1988, and incorporated into rule LI of the Rules of  
4 the House of Representatives of the One Hundred  
5 and Second Congress); and

6 “(2) the term ‘instrumentalities of the Con-  
7 gress’ includes the Architect of the Capitol, the Li-  
8 brary of Congress, the Congressional Budget Office,  
9 the General Accounting Office, the Government  
10 Printing Office, the Office of Technology Assess-  
11 ment, and the United States Botanic Garden.”.

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