

117TH CONGRESS  
2D SESSION

# H. R. 6699

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

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 2022

Ms. SCHAKOWSKY (for herself, Ms. DELAURO, Ms. PRESSLEY, Ms. PORTER, Ms. LEE of California, Mr. DOGGETT, Mr. GARCÍA of Illinois, Mr. TORRES of New York, Mrs. LAWRENCE, Ms. JAYAPAL, and Ms. NORTON) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committees on House Administration, Oversight and Reform, and Ways and Means, 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

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## A BILL

To extend protections to part-time workers in the areas of family and medical leave and pension plans, 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”.

1 **SEC. 2. TABLE OF CONTENTS.**

2 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.  
Sec. 102. Improving coverage for long-term part-time workers.

TITLE II—ENSURING FAIR TREATMENT FOR PART-TIME  
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.

3 **TITLE I—EXPANDING ACCESS TO**  
4 **BENEFITS FOR PART-TIME**  
5 **WORKERS**

6 **SEC. 101. ELIMINATION OF HOURS OF SERVICE REQUIRE-**  
7 **MENT FOR FMLA LEAVE.**

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

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

16 (b) CONFORMING AMENDMENTS.—

1           (1) Section 101(2) of such Act (29 U.S.C.  
2           2611(2)) is amended—

3                   (A) by striking subparagraphs (C) and  
4                   (D); and

5                   (B) by redesignating subparagraph (E) as  
6                   subparagraph (C).

7           (2) Section 102(a) of such Act (29 U.S.C.  
8           2612(a)) is amended by striking paragraph (5).

9           (c) EFFECTIVE DATE.—The amendments made by  
10 subsections (a) and (b) shall take effect beginning on the  
11 date that is 1 year after the date of enactment of this  
12 Act.

13 **SEC. 102. IMPROVING COVERAGE FOR LONG-TERM PART-**  
14 **TIME WORKERS.**

15           (a) IN GENERAL.—Section 202 of the Employee Re-  
16 tirement Income Security Act of 1974 (29 U.S.C. 1052)  
17 is amended by adding at the end the following new sub-  
18 section:

19                   “(c) SPECIAL RULE FOR CERTAIN PART-TIME EM-  
20 PLOYEES.—

21                           “(1) IN GENERAL.—A pension plan that in-  
22 cludes either a qualified cash or deferred arrange-  
23 ment (as defined in section 401(k) of the Internal  
24 Revenue Code of 1986) or a salary reduction agree-  
25 ment (as described in section 403(b) of such Code)

1 shall not require, as a condition of participation in  
2 the arrangement or agreement, that an employee  
3 complete a period of service with the employer (or  
4 employers) maintaining the plan extending beyond  
5 the close of the earlier of—

6 “(A) the period permitted under subsection  
7 (a)(1) (determined without regard to subpara-  
8 graph (B)(i) thereof) and section 410(a)(1) of  
9 such Code (determined without regard to sub-  
10 paragraph (B)(i) thereof); or

11 “(B) the first 24-month period—

12 “(i) consisting of 2 consecutive 12-  
13 month periods during each of which the  
14 employee has at least 500 hours of service;  
15 and

16 “(ii) by the close of which the em-  
17 ployee has attained the age of 21.

18 “(2) EXCEPTION.—Paragraph (1)(B) shall not  
19 apply to employees who are included in a unit of em-  
20 ployees covered by an agreement which the Secretary  
21 finds to be a collective bargaining agreement be-  
22 tween employee representatives and one or more em-  
23 ployers, if there is evidence that retirement benefits  
24 were the subject of good faith bargaining between

1 such employee representatives and such employer or  
2 employers.

3 “(3) COORDINATION WITH OTHER RULES.—In  
4 the case of employees who are not highly com-  
5 pensated employees (within the meaning of section  
6 414(q) of the Internal Revenue Code of 1986) and  
7 who are eligible to participate in the arrangement or  
8 agreement solely by reason of paragraph (1)(B):

9 “(A) EXCLUSIONS.—An employer may  
10 elect to exclude such employees from the deter-  
11 mination of whether the plan that includes the  
12 arrangement or agreement satisfies the require-  
13 ments of subsections (a)(4), (k)(3), (k)(12),  
14 (k)(13), (m)(2), (m)(11), and (m)(12) of sec-  
15 tion 401 of such Code, section 410(b) of such  
16 Code, and section 416 of such Code. If the em-  
17 ployer so excludes such employees with respect  
18 to the requirements of any such provision, such  
19 employees shall be excluded with respect to the  
20 requirements of all such provisions. This sub-  
21 paragraph shall cease to apply to any employee  
22 as of the first plan year beginning after the  
23 plan year in which the employee completes 1  
24 year of service (without regard to paragraph  
25 (1)(B) of this subsection).

1           “(B) TIME OF PARTICIPATION.—The rules  
2           of subsection (a)(4) and section 410(a)(4) of  
3           the Internal Revenue Code of 1986 shall apply  
4           to such employees.

5           “(4) 12-MONTH PERIOD.—For purposes of this  
6           subsection, 12-month periods shall be determined in  
7           the same manner as under the last sentence of sub-  
8           section (a)(3)(A), except that 12-month periods be-  
9           ginning before January 1, 2022, shall not be taken  
10          into account.”.

11          (b) VESTING.—Section 203(b) of the Employee Re-  
12          tirement Income Security Act of 1974 (29 U.S.C.  
13          1053(b)) is amended by redesignating paragraph (4) as  
14          paragraph (5) and by inserting after paragraph (3) the  
15          following new paragraph:

16          “(4) PART-TIME EMPLOYEES.—For purposes of de-  
17          termining whether an employee who is eligible to partici-  
18          pate in a qualified cash or deferred arrangement or a sal-  
19          ary reduction agreement under a plan solely by reason of  
20          section 202(e)(1)(B) has a nonforfeitable right to em-  
21          ployer contributions—

22                  “(A) except as provided in subparagraph (B),  
23                  each 12-month period for which the employee has at  
24                  least 500 hours of service shall be treated as a year  
25                  of service; and

1           “(B) 12-month periods occurring before the 24-  
2           month period described in section 202(c)(1)(B) shall  
3           not be treated as years of service.

4 For purposes of this paragraph, 12-month periods shall  
5 be determined in the same manner as under the last sen-  
6 tence of section 202(a)(3)(A), except that 12-month peri-  
7 ods beginning before January 1, 2022, shall not be taken  
8 into account.”.

9           (c) PENALTY.—Section 502 of the Employee Retire-  
10 ment Income Security Act of 1974 (29 U.S.C. 1132) is  
11 amended by adding at the end the following new sub-  
12 section:

13           “(n) REQUIREMENTS RELATING TO PART-TIME EM-  
14 PLOYEES.—In the case of a plan that fails to permit par-  
15 ticipation as required by section 202(c), the Secretary may  
16 assess a civil penalty against the plan sponsor in an  
17 amount equal to \$10,000 per year per employee to whom  
18 such failure relates. The Secretary may, in the Secretary’s  
19 sole discretion, waive or reduce the penalty under this sub-  
20 section if the Secretary determines that the plan sponsor  
21 acted reasonably and in good faith.”.

1 **TITLE II—ENSURING FAIR**  
2 **TREATMENT FOR PART-TIME**  
3 **WORKERS**

4 **SEC. 201. DEFINITIONS.**

5 In this title:

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

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

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

18 (B) a State employee described in section  
19 304(a) of the Government Employee Rights Act  
20 of 1991 (42 U.S.C. 2000e–16c(a));

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



1 (D) a covered employee, as defined in sec-  
2 tion 411(c) of title 3, United States Code;

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

6 (F) an employee of the Government Ac-  
7 countability Office.

8 (3) EMPLOYER.—The term “employer”—

9 (A)(i) means any person in commerce  
10 that—

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

24 (II) is part of an integrated enter-  
25 prise, chain of businesses, group of fran-

1           chises associated with a franchisor, or net-  
2           work of franchises that, in the aggregate,  
3           employs more than 15 employees, cal-  
4           culated in accordance with subclause (I);

5           (ii) includes—

6                   (I) any person who acts, directly or  
7                   indirectly, in the interest of such an em-  
8                   ployer to any of the employees (described  
9                   in clause (i)) of such employer; and

10                   (II) any successor in interest of such  
11                   an employer; and

12           (iii) includes an agency described in sub-  
13           paragraph (A)(iii) of section 101(4) of the  
14           Family and Medical Leave Act of 1993 (29  
15           U.S.C. 2611(4)), to which subparagraph (B) of  
16           such section shall apply;

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

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

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

1 (E) is an employing agency covered under  
2 subchapter V of chapter 63 of title 5, United  
3 States Code; or

4 (F) is the Comptroller General of the  
5 United States.

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

10 (5) PERSON IN COMMERCE.—

11 (A) IN GENERAL.—The term “person in  
12 commerce” means any person who is engaged  
13 in commerce, in any industry or activity affect-  
14 ing commerce, or in the production of goods for  
15 commerce.

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

18 (6) SECRETARY.—The term “Secretary” means  
19 the Secretary of Labor.

20 **SEC. 202. ELIMINATION OF DISCRIMINATION ON THE BASIS**  
21 **OF HOURS WORKED.**

22 (a) RULE.—

23 (1) IN GENERAL.—An employer shall not dis-  
24 criminate against an employee on the basis that  
25 such employee is scheduled to work fewer hours per

1 week, or is employed for a shorter expected duration,  
2 than another employee of the employer if the jobs of  
3 such employees require substantially equal skill, ef-  
4 fort, responsibility, and duties and such jobs are per-  
5 formed under similar working conditions.

6 (2) EXAMPLES.—Discrimination described in  
7 paragraph (1) shall include differential treatment  
8 with respect to—

9 (A) rate of compensation;

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

11 (C) eligibility to accrue, on a pro rata  
12 basis, employer-provided paid and unpaid time  
13 off and other benefits;

14 (D) promotion opportunities; or

15 (E) other terms, conditions, or privileges of  
16 employment.

17 (b) DISTINCTIONS PERMITTED.—This section shall  
18 not be construed to prohibit differences in rate of com-  
19 pensation, or other conditions, terms, or privileges of em-  
20 ployment, of employees of an employer for reasons other  
21 than the number of hours the employees are scheduled to  
22 work per week, or the expected duration of employment  
23 of the employees, including for reasons such as—

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

25 (2) a merit system; or

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

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

4           (a) WRITTEN STATEMENTS REQUIRED.—

5           (1) IN GENERAL.—Upon hiring an employee, an  
6           employer shall—

7                   (A) obtain a written statement of the em-  
8                   ployee’s desired number of weekly work hours  
9                   and the days and times the employee is avail-  
10                  able to work;

11                   (B) notify the employee that this written  
12                  statement may be modified in writing at any  
13                  time during employment; and

14                   (C) specify the process to modify the writ-  
15                  ten statement.

16           (b) OFFER OF DESIRED WEEKLY WORK HOURS TO  
17 EXISTING EMPLOYEES.—

18           (1) IN GENERAL.—Except as provided in para-  
19           graph (2), an employer shall schedule an employee  
20           of the employer to work the number of weekly hours  
21           identified by the employee as desired weekly hours in  
22           a written statement under subsection (a) prior to  
23           hiring any new employee from an external applicant  
24           pool, including hiring through the use of a tem-  
25           porary services or staffing agency, or contracting

1 with a contractor or subcontractor, to work such  
2 hours.

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

7 (A) the employer needs to fill hours for  
8 which no employees of the employer who have  
9 provided written statements under subsection  
10 (a) are available based on such written state-  
11 ments;

12 (B) all employees of the employer who  
13 have provided written statements under sub-  
14 section (a) lack, and cannot obtain with reason-  
15 able training, the qualifications necessary to  
16 perform the work; or

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

24 (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 paragraph (3)), with respect to such an alleged  
3 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 exceed  
20 \$100 per violation (subject to subpara-  
21 graph (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,

1 but not to exceed \$1,100 per violation  
2 (subject to subparagraph (B)).

3 (B) INFLATION.—The Secretary shall, for  
4 each year beginning with calendar year 2024,  
5 increase the maximum amounts for the pen-  
6 alties described in clauses (i) and (ii) of sub-  
7 paragraph (A) by a percentage equal to the per-  
8 centage increase in the Consumer Price Index  
9 for All Urban Consumers, published by the De-  
10 partment of Labor, between December 2022  
11 and the December prior to the year for which  
12 the increase takes effect.

13 (4) CIVIL ACTION.—

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

17 (i) restrain violations of this title;

18 (ii) obtain such equitable relief as may  
19 be appropriate, including employment, re-  
20 instatement, and promotion; and

21 (iii) in the case of a violation of a cov-  
22 ered provision, recover the damages, inter-  
23 est, and equitable relief described in  
24 clauses (i) through (iv) of subsection  
25 (b)(1)(A).

1           (B) RECOVERY ON BEHALF OF EMPLOY-  
2           EES.—Any sums recovered by the Secretary  
3           under subparagraph (A) on behalf of an em-  
4           ployee shall be held in a special deposit account  
5           and shall be paid, on order of the Secretary, di-  
6           rectly to the employee affected. Any such sums  
7           not paid to an employee because of inability to  
8           do so within a period of three years shall be de-  
9           posited in the Treasury and credited to mis-  
10          cellaneous receipts.

11         (d) LIMITATION.—

12           (1) IN GENERAL.—Except as provided in para-  
13           graph (2), an action may be brought under this sec-  
14           tion not later than 2 years after the date of the last  
15           event constituting the alleged violation for which the  
16           action is brought.

17           (2) WILLFUL VIOLATION.—In the case of such  
18           action brought for a willful violation of section 204,  
19           such action may be brought within 3 years of the  
20           date of the last event constituting the alleged viola-  
21           tion for which such action is brought.

22           (3) COMMENCEMENT.—In determining when an  
23           action is commenced by the Secretary or by an em-  
24           ployee under this section for the purposes of this



1 subsection, it shall be considered to be commenced  
2 on the date when the complaint is filed.

3 (e) OTHER ADMINISTRATIVE OFFICERS.—

4 (1) EMPLOYEES COVERED BY CONGRESSIONAL  
5 ACCOUNTABILITY ACT OF 1995.—The powers and  
6 procedures provided in the Congressional Account-  
7 ability Act of 1995 (2 U.S.C. 1301 et seq.) to the  
8 Board (as defined in section 101 of that Act (2  
9 U.S.C. 1301)), or any person, alleging a violation of  
10 section 202(a)(1) of that Act (2 U.S.C. 1312(a)(1))  
11 shall be the powers and procedures this title provides  
12 to that Board, or any person, alleging a violation of  
13 this title against an employee described in section  
14 201(2)(C).

15 (2) EMPLOYEES COVERED BY CHAPTER 5 OF  
16 TITLE 3, UNITED STATES CODE.—The powers and  
17 procedures provided in chapter 5 of title 3, United  
18 States Code, to the President, the Merit Systems  
19 Protection Board, or any person, alleging a violation  
20 of section 412(a)(1) of that title, shall be the powers  
21 and procedures this title provides to the President,  
22 that Board, or any person, respectively, alleging a  
23 violation of this title against an employee described  
24 in section 201(2)(D).

1           (3) EMPLOYEES COVERED BY CHAPTER 63 OF  
2           TITLE 5, UNITED STATES CODE.—The powers and  
3           procedures provided in title 5, United States Code,  
4           to an employing agency, provided in chapter 12 of  
5           that title to the Merit Systems Protection Board, or  
6           provided in that title to any person, alleging a viola-  
7           tion of chapter 63 of that title, shall be the powers  
8           and procedures this title provides to that agency,  
9           that Board, or any person, respectively, alleging a  
10          violation of this title against an employee described  
11          in section 201(2)(E).

12          (4) COMPTROLLER GENERAL.—In the case of  
13          employees of the Government Accountability Office,  
14          the authority of the Secretary under this title shall  
15          be exercised by the Comptroller General of the  
16          United States.

17 **SEC. 206. REGULATIONS.**

18          (a) SECRETARY OF LABOR.—Except as provided in  
19          subsections (b) through (e), not later than 180 days after  
20          the date of enactment of this title, the Secretary shall  
21          issue such regulations as may be necessary to implement  
22          this title.

23          (b) BOARD.—

24                  (1) IN GENERAL.—Not later than 180 days  
25          after the date of enactment of this Act, the Board

1 of Directors of the Office of Congressional Work-  
2 place Rights shall issue such regulations as may be  
3 necessary to implement this title with respect to em-  
4 ployees described in section 201(2)(C). The proce-  
5 dures applicable to regulations of the Board issued  
6 for the implementation of the Congressional Ac-  
7 countability Act of 1995 (2 U.S.C. 1301 et seq.),  
8 prescribed in section 304 of that Act (2 U.S.C.  
9 1384), shall be the procedures applicable to regula-  
10 tions issued under this subsection.

11 (2) CONSIDERATION.—In prescribing the regu-  
12 lations, the Board shall take into consideration the  
13 enforcement and remedies provisions concerning the  
14 Office and applicable to rights and protections under  
15 the Family and Medical Leave Act of 1993 (29  
16 U.S.C. 2601 et seq.), under the Congressional Ac-  
17 countability Act of 1995 (2 U.S.C. 1301 et seq.).

18 (3) MODIFICATIONS.—The regulations issued  
19 under paragraph (1) to implement this title shall be  
20 the same as substantive regulations issued by the  
21 Secretary to implement this title, except to the ex-  
22 tent that the Board may determine, for good cause  
23 shown and stated together with the regulations  
24 issued by the Board, that a modification of such  
25 substantive regulations would be more effective for

1 the implementation of the rights and protections  
2 under this title.

3 (c) PRESIDENT.—

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

9 (2) CONSIDERATION.—In prescribing the regu-  
10 lations, the President shall take into consideration  
11 the enforcement and remedies provisions concerning  
12 the President and the Merit Systems Protection  
13 Board, and applicable to rights and protections  
14 under the Family and Medical Leave Act of 1993,  
15 under chapter 5 of title 3, United States Code.

16 (3) MODIFICATIONS.—The regulations issued  
17 under paragraph (1) to implement this title shall be  
18 the same as substantive regulations issued by the  
19 Secretary to implement this title, except to the ex-  
20 tent that the President may determine, for good  
21 cause shown and stated together with the regula-  
22 tions issued by the President, that a modification of  
23 such substantive regulations would be more effective  
24 for the implementation of the rights and protections  
25 under this title.

1 (d) OFFICE OF PERSONNEL MANAGEMENT.—

2 (1) IN GENERAL.—Not later than 180 days  
3 after the date of enactment of this Act, the Office  
4 of Personnel Management shall issue such regula-  
5 tions as may be necessary to implement this title  
6 with respect to employees described in section  
7 201(2)(E).

8 (2) CONSIDERATION.—In prescribing the regu-  
9 lations, the Office shall take into consideration the  
10 enforcement and remedies provisions concerning an  
11 employing agency and the Merit Systems Protection  
12 Board under subchapter V of chapter 63 of title 5,  
13 United States Code.

14 (3) MODIFICATIONS.—The regulations issued  
15 under paragraph (1) to implement this title shall be  
16 the same as substantive regulations issued by the  
17 Secretary to implement this title, except to the ex-  
18 tent that the Office may determine, for good cause  
19 shown and stated together with the regulations  
20 issued by the Office, that a modification of such sub-  
21 stantive regulations would be more effective for the  
22 implementation of the rights and protections under  
23 this title.

24 (e) COMPTROLLER GENERAL.—

1           (1) IN GENERAL.—Not later than 180 days  
2 after the date of enactment of this Act, the Comp-  
3 troller General of the United States shall issue such  
4 regulations as may be necessary to implement this  
5 title with respect to employees of the Government  
6 Accountability Office.

7           (2) CONSIDERATION.—In prescribing the regu-  
8 lations, the Comptroller General shall take into con-  
9 sideration the enforcement and remedies provisions  
10 concerning the Comptroller General under title I of  
11 the Family and Medical Leave Act of 1993 (29  
12 U.S.C. 2611 et seq.).

13           (3) MODIFICATIONS.—The regulations issued  
14 under paragraph (1) to implement this title shall be  
15 the same as substantive regulations issued by the  
16 Secretary to implement this title, except to the ex-  
17 tent that the Comptroller General may determine,  
18 for good cause shown and stated together with the  
19 regulations issued by the Comptroller General, that  
20 a modification of such substantive regulations would  
21 be more effective for the implementation of the  
22 rights and protections under this title.

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