

(3) EMPLOYING OFFICE RESPONSIBLE FOR CORRECTION.—The regulations issued under paragraph (1) shall include a method of identifying, for purposes of this section and for different categories of violations of subsection (a), the employing office responsible for correction of a particular violation.

(e) EFFECTIVE DATE.—Subsections (a) through (c) shall take effect on the earlier of—

- (1) the effective date of regulations issued under subsection (d); or
- (2) October 1, 1998.

(Added Pub. L. 104-331, §2(a), Oct. 26, 1996, 110 Stat. 4062.)

REFERENCES IN TEXT

The Occupational Safety and Health Act of 1970, referred to in subssecs. (a) to (c)(4) and (d)(2)(B), is Pub. L. 91-596, Dec. 29, 1970, 84 Stat. 1590, as amended, which is classified principally to chapter 15 (§651 et seq.) of Title 29, Labor. Sections 5, 6, 8 to 10, 13, and 19 of the Act are classified to sections 654, 655, 657 to 659, 662, and 668, respectively, of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 651 of Title 29 and Tables.

EFFECTIVE DATE

Subsec. (d) of this section effective Oct. 26, 1996, see section 471(b) of this title.

PART D—LABOR-MANAGEMENT RELATIONS

§ 431. Application of chapter 71 of title 5, relating to Federal service labor-management relations; procedures for remedy of violations

(a) LABOR-MANAGEMENT RIGHTS.—Subject to subsection (d), chapter 71 of title 5 shall apply to employing offices and to covered employees and representatives of those employees, except that covered employees shall not have a right to reinstatement pursuant to section 7118(a)(7)(C) or 7123 of title 5.

(b) DEFINITION.—For purposes of the application under this section of chapter 71 of title 5, the term “agency” as used in such chapter means an employing office.

(c) REGULATIONS TO IMPLEMENT SECTION.—

(1) IN GENERAL.—The Federal Labor Relations Authority shall issue regulations to implement this section.

(2) AGENCY REGULATIONS.—Except as provided in subsection (d), the regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Authority to implement the statutory provisions referred to in subsection (a), except—

(A) to the extent the Authority may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; or

(B) as the Authority may determine that a modification of such regulations is necessary to avoid a conflict of interest or appearance of a conflict of interest.

(d) SPECIFIC REGULATIONS REGARDING APPLICATIONS TO CERTAIN EMPLOYING OFFICES.—

(1) REGULATIONS REQUIRED.—The Authority shall issue regulations on the manner and the extent to which the requirements and exemp-

tions of chapter 71 of title 5 should apply to covered employees who are employed in the offices listed in paragraph (2). The regulations shall, to the greatest extent practicable, be consistent with the provisions and purposes of chapter 71 of title 5 and of this chapter, and shall be the same as the substantive regulations issued by the Authority under such chapter, except—

(A) to the extent the Authority may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; and

(B) that the Authority shall exclude from coverage under this section any covered employees who are employed in offices listed in paragraph (2) if the Authority determines that such exclusion is required because of—

- (i) a conflict of interest or appearance of a conflict of interest; or
- (ii) the President’s or Vice President’s constitutional responsibilities.

(2) OFFICES REFERRED TO.—The offices referred to in paragraph (1) include—

- (A) the White House Office;
- (B) the Executive Residence at the White House;
- (C) the Office of the Vice President;
- (D) the Office of Policy Development;
- (E) the Council of Economic Advisers;
- (F) the National Security Council;
- (G) the Office of Management and Budget; and
- (H) the Office of National Drug Control Policy.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), subsections (a) and (b) shall take effect on the earlier of—

- (A) the effective date of regulations issued under subsection (c); or
- (B) October 1, 1998.

(2) CERTAIN EMPLOYING OFFICES.—Subsections (a) and (b) shall take effect, with respect to employing offices, and employees of employing offices, referred to in subsection (d)(2), on the earlier of—

- (A) the effective date of regulations issued under subsection (d); or
- (B) October 1, 1998.

(Added Pub. L. 104-331, §2(a), Oct. 26, 1996, 110 Stat. 4064.)

EFFECTIVE DATE

Subsecs. (c) and (d) of this section effective Oct. 26, 1996, see section 471(b) of this title.

PART E—GENERAL

§ 435. Generally applicable remedies and limitations

(a) ATTORNEY’S FEES.—If a covered employee, with respect to any claim under this chapter, or a qualified person with a disability, with respect to any claim under section 421, is a prevailing party in any proceeding under section 453(1), the administrative agency may award attorney’s