

violation has occurred, the final order shall also provide for appropriate relief.

**(2) Referral to State and local authorities**

**(A) Application**

Section 2000e-5(d) of title 42 shall apply with respect to any proceeding under this section.

**(B) Definition**

For purposes of the application described in subparagraph (A), the term “any charge filed by a member of the Commission alleging an unlawful employment practice” means a complaint filed under this section.

**(c) Judicial review**

Any party aggrieved by a final order under subsection (b) of this section may obtain a review of such order under chapter 158 of title 28. For the purpose of this review, the Equal Employment Opportunity Commission shall be an “agency” as that term is used in chapter 158 of title 28.

**(d) Standard of review**

To the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law and interpret constitutional and statutory provisions. The court shall set aside a final order under subsection (b) of this section if it is determined that the order was—

- (1) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;
- (2) not made consistent with required procedures; or
- (3) unsupported by substantial evidence.

In making the foregoing determinations, the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

**(e) Attorney’s fees**

If the individual referred to in subsection (a) of this section is the prevailing party in a proceeding under this subsection, attorney’s fees may be allowed by the court in accordance with the standards prescribed under section 2000e-5(k) of title 42.

(Pub. L. 102-166, title III, §304, formerly §321, Nov. 21, 1991, 105 Stat. 1097; renumbered §304 and amended Pub. L. 104-1, title V, §504(a)(3), (4), Jan. 23, 1995, 109 Stat. 41.)

PRIOR PROVISIONS

A prior section 304 of Pub. L. 102-166 was classified to section 1204 of this title prior to repeal by Pub. L. 104-1.

AMENDMENTS

1995—Subsec. (a). Pub. L. 104-1, §504(a)(4), struck out “and 1207(h) of this title” before “shall apply” in introductory provisions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1202 of this title.

**§ 1221. Repealed. Pub. L. 104-1, title V, § 504(a)(2), Jan. 23, 1995, 109 Stat. 41**

Section, Pub. L. 102-166, title III, §322, Nov. 21, 1991, 105 Stat. 1098, related to severability.

SAVINGS PROVISION

Section 504(a)(2) of Pub. L. 104-1 provided in part that section 1221 of this title is repealed, except as provided in section 1435 of this title.

**§ 1222. Repealed. Pub. L. 102-392, title III, § 316(b), Oct. 6, 1992, 106 Stat. 1724**

Section, Pub. L. 102-166, title III, §323, Nov. 21, 1991, 105 Stat. 1098, required President or Member of Senate to reimburse appropriate Federal account for payment made on his or her behalf for violation of this chapter.

**§§ 1223, 1224. Repealed. Pub. L. 104-1, title V, § 504(a)(2), Jan. 23, 1995, 109 Stat. 41**

Section 1223. Pub. L. 102-166, title III, §324, Nov. 21, 1991, 105 Stat. 1099, related to reports of Senate committees.

Section 1224. Pub. L. 102-166, title III, §325, Nov. 21, 1991, 105 Stat. 1099, related to intervention and expedited reviews of certain appeals based on constitutionality of sections 1209 and 1219 of this title.

SAVINGS PROVISION

Section 504(a)(2) of Pub. L. 104-1 provided in part that sections 1223 and 1224 of this title are repealed, except as provided in section 1435 of this title.

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#### SUBCHAPTER I—GENERAL

##### SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1434 of this title.

### § 1301. Definitions

Except as otherwise specifically provided in this chapter, as used in this chapter:

#### (1) Board

The term “Board” means the Board of Directors of the Office of Compliance.

#### (2) Chair

The term “Chair” means the Chair of the Board of Directors of the Office of Compliance.

#### (3) Covered employee

The term “covered employee” means any employee of—

- (A) the House of Representatives;  
(B) the Senate;  
(C) the Capitol Guide Service;

- (D) the Capitol Police;  
(E) the Congressional Budget Office;  
(F) the Office of the Architect of the Capitol;  
(G) the Office of the Attending Physician;  
(H) the Office of Compliance; or  
(I) the Office of Technology Assessment.

#### (4) Employee

The term “employee” includes an applicant for employment and a former employee.

#### (5) Employee of the Office of the Architect of the Capitol

The term “employee of the Office of the Architect of the Capitol” includes any employee of the Office of the Architect of the Capitol, the Botanic Garden, or the Senate Restaurants.

#### (6) Employee of the Capitol Police

The term “employee of the Capitol Police” includes any member or officer of the Capitol Police.

#### (7) Employee of the House of Representatives

The term “employee of the House of Representatives” includes an individual occupying a position the pay for which is disbursed by the Clerk of the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the clerk-hire allowance of the House of Representatives but not any such individual employed by any entity listed in subparagraphs (C) through (I) of paragraph (3).

#### (8) Employee of the Senate

The term “employee of the Senate” includes any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in subparagraphs (C) through (I) of paragraph (3).

#### (9) Employing office

The term “employing office” means—

- (A) the personal office of a Member of the House of Representatives or of a Senator;  
(B) a committee of the House of Representatives or the Senate or a joint committee;  
(C) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; or

(D) the Capitol Guide Board, the Capitol Police Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, and the Office of Technology Assessment.

#### (10) Executive Director

The term “Executive Director” means the Executive Director of the Office of Compliance.

#### (11) General Counsel

The term “General Counsel” means the General Counsel of the Office of Compliance.

#### (12) Office

The term “Office” means the Office of Compliance.