

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 Repealed.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.

CHAPTER 24—CONGRESSIONAL ACCOUNTABILITY

SUBCHAPTER I—GENERAL

- Sec. 1301. Definitions.
- 1302. Application of laws.
 - (a) Laws made applicable.
 - (b) Laws which may be made applicable.

SUBCHAPTER II—EXTENSION OF RIGHTS AND PROTECTIONS

PART A—EMPLOYMENT DISCRIMINATION, FAMILY AND MEDICAL LEAVE, FAIR LABOR STANDARDS, EMPLOYEE POLYGRAPH PROTECTION, WORKER ADJUSTMENT AND RETRAINING, EMPLOYMENT AND REEMPLOYMENT OF VETERANS, AND INTIMIDATION

- 1311. Rights and protections under title VII of Civil Rights Act of 1964, Age Discrimination in Employment Act of 1967, Rehabilitation Act of 1973, and title I of Americans with Disabilities Act of 1990.
 - (a) Discriminatory practices prohibited.
 - (b) Remedy.
 - (c) Omitted.
 - (d) Effective date.
- 1312. Rights and protections under Family and Medical Leave Act of 1993.
 - (a) Family and medical leave rights and protections provided.
 - (b) Remedy.
 - (c) Omitted.
 - (d) Regulations.
 - (e) Effective date.
- 1313. Rights and protections under Fair Labor Standards Act of 1938.
 - (a) Fair labor standards.
 - (b) Remedy.
 - (c) Regulations to implement section.
 - (d) Omitted.
 - (e) Effective date.
- 1314. Rights and protections under Employee Polygraph Protection Act of 1988.
 - (a) Polygraph practices prohibited.
 - (b) Remedy.
 - (c) Regulations to implement section.
 - (d) Effective date.
- 1315. Rights and protections under Worker Adjustment and Retraining Notification Act.