

sums as the Board determines are necessary and appropriate to enable the Center to carry out the provisions of this chapter.

**(b) Audit by GAO**

The activities of the Center under this chapter may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. Representatives of the General Accounting Office shall have access to all books, accounts, records, reports, and files and all other papers, things, or property belonging to or in use by the Center, pertaining to such activities and necessary to facilitate the audit.

(Pub. L. 100-458, title I, §117, Oct. 1, 1988, 102 Stat. 2175; Pub. L. 101-520, title III, §313(b), Nov. 5, 1990, 104 Stat. 2282.)

AMENDMENTS

1990—Subsec. (a). Pub. L. 101-520 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “The Secretary of the Treasury is authorized to pay to the Center from the interest and earnings of the fund such sums as the Board determines are necessary and appropriate to enable the Center to carry out the provisions of this chapter.”

**§ 1107. Executive Director of Center**

**(a) Appointment by Board**

(1) There shall be an Executive Director of the Center who shall be appointed by the Board. The Executive Director shall be the chief executive officer of the Center and shall carry out the functions of the Center subject to the supervision and direction of the Board. The Executive Director shall carry out such other functions consistent with the provisions of this chapter as the Board shall prescribe.

(2) The Executive Director shall not be eligible to serve as Chairman of the Board.

**(b) Compensation**

The Executive Director of the Center shall be compensated at the rate specified for employees in grade GS-18 of the General Schedule under section 5332 of title 5.

(Pub. L. 100-458, title I, §118, Oct. 1, 1988, 102 Stat. 2175.)

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

**§ 1108. Administrative provisions**

**(a) In general**

In order to carry out the provisions of this chapter, the Center may—

(1) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this chapter, except that in no case shall employees other than the Executive Director be compensated at a rate to exceed the maximum rate for employees in grade GS-15 of the General Schedule under section 5332 of title 5;

(2) procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, but at rates not to exceed the rate specified at the time of such service for grade GS-18 under section 5332 of such title;

(3) prescribe such regulations as it considers necessary governing the manner in which its functions shall be carried out;

(4) solicit and receive money and other property donated, bequeathed, or devised, without condition or restriction other than it be used for the purposes of the Center, and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(5) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5;

(6) enter into contracts, grants, or other arrangements, or modifications thereof, to carry out the provisions of this chapter, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the Board, be entered into without performance or other bonds, and without regard to section 5 of title 41;

(7) make expenditures for official reception and representation expenses as well as expenditures for meals, entertainment and refreshments in connection with official training sessions or other authorized programs or activities;

(8) apply for, receive and use for the purposes of the Center grants or other assistance from Federal sources;

(9) establish, receive and use for the purposes of the Center fees or other charges for goods or services provided in fulfilling the Center's purposes to persons not enumerated in section 1104(b) of this title;

(10) invest, as specified in section 1105(b) of this title, moneys authorized to be received under this section; and

(11) make other necessary expenditures.

**(b) Annual report**

The Center shall submit to Congress an annual report of its operations under this chapter.

(Pub. L. 100-458, title I, §119, Oct. 1, 1988, 102 Stat. 2176; Pub. L. 101-163, title III, §320, Nov. 21, 1989, 103 Stat. 1068; Pub. L. 101-520, title III, §313(c), Nov. 5, 1990, 104 Stat. 2282.)

AMENDMENTS

1990—Subsec. (a)(6) to (11). Pub. L. 101-520 struck out “and” at end of par. (6), added pars. (7) to (11), and struck out former par. (7) which read as follows: “To make other necessary expenditures including official reception and representation expenses.”

1989—Subsec. (a)(7). Pub. L. 101-163 substituted “To make other necessary expenditures including official reception and representation expenses” for “make other necessary expenditures”.

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organi-

zation and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1105, 1106 of this title.

### § 1109. Authorization for appropriations

There are authorized to be appropriated such sums as may be necessary to carry out this chapter.

(Pub. L. 100-458, title I, § 120, Oct. 1, 1988, 102 Stat. 2176.)

### § 1110. Appropriations

There is appropriated to the fund the sum of \$7,500,000 to carry out this chapter.

(Pub. L. 100-458, title I, § 121, Oct. 1, 1988, 102 Stat. 2176.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1105 of this title.

## CHAPTER 23—GOVERNMENT EMPLOYEE RIGHTS

|               |  |
|---------------|--|
| Sec.          |  |
| 1201.         | Short title; purpose; definition.<br>(a) Short title.<br>(b) Purpose.<br>(c) “Violation” defined.  |
| 1202.         | Discriminatory practices prohibited.<br>(a) Practices.<br>(b) Remedies.  |
| 1203 to 1219. | Repealed.  |
| 1220.         | Coverage of previously exempt State employees.<br>(a) Application.<br>(b) Enforcement by administrative action.<br>(c) Judicial review.<br>(d) Standard of review.<br>(e) Attorney’s fees. |
| 1221 to 1224. | Repealed.  |

#### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 1435 of this title.

### § 1201. Short title; purpose; definition

#### (a) Short title

This chapter may be cited as the “Government Employee Rights Act of 1991”.

#### (b) Purpose

The purpose of this chapter is to provide procedures to protect the rights of certain government<sup>1</sup> employees, with respect to their public employment, to be free of discrimination on the basis of race, color, religion, sex, national origin, age, or disability.

#### (c) “Violation” defined

For purposes of this chapter, the term “violation” means a practice that violates section 1202(a) of this title.

(Pub. L. 102-166, title III, § 301, Nov. 21, 1991, 105 Stat. 1088; Pub. L. 103-283, title III, § 312(f)(1), July 22, 1994, 108 Stat. 1446; Pub. L. 104-1, title V, § 504(a)(1), Jan. 23, 1995, 109 Stat. 40.)

<sup>1</sup> So in original. Probably should be capitalized.

#### REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title III of Pub. L. 102-166, Nov. 21, 1991, 105 Stat. 1088, which is classified generally to this chapter. For complete classification of title III to the Code, see Tables.

#### AMENDMENTS

1995—Pub. L. 104-1 amended section generally, substituting “rights of certain government employees” for “right of Senate and other government employees” in subsec. (b) and striking out definitions of “Senate employee” and “head of employing office” in subsec. (c).

1994—Subsec. (c)(1)(B) to (D). Pub. L. 103-283, which directed the amendment of subsec. (c) by striking out subpar. (B), redesignating subpars. (C) and (D) as (B) and (C), respectively, and striking out “or (B)” after “described in subparagraph (A)” in subpars. (B) and (C), was executed by making the amendment to subsec. (c)(1) to reflect the probable intent of Congress. Prior to amendment, subpar. (B) read as follows: “any employee of the Architect of the Capitol who is assigned to the Senate Restaurants or to the Superintendent of the Senate Office Buildings;”.

#### EFFECTIVE DATE

Chapter effective Nov. 21, 1991, except as otherwise provided, see section 402 of Pub. L. 102-166, set out as an Effective Date of 1991 Amendment note under section 1981 of Title 42, The Public Health and Welfare.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 601 of this title.

### § 1202. Discriminatory practices prohibited

#### (a) Practices

All personnel actions affecting the Presidential appointees described in section 1219<sup>1</sup> of this title or the State employees described in section 1220 of this title shall be made free from any discrimination based on—

(1) race, color, religion, sex, or national origin, within the meaning of section 2000e-16 of title 42;

(2) age, within the meaning of section 633a of title 29; or

(3) disability, within the meaning of section 791 of title 29 and sections 12112 to 12114 of title 42.

#### (b) Remedies

The remedies referred to in sections 1219(a)(1)<sup>1</sup> and 1220(a) of this title—

(1) may include, in the case of a determination that a violation of subsection (a)(1) or (a)(3) of this section has occurred, such remedies as would be appropriate if awarded under sections 2000e-5(g), 2000e-5(k), and 2000e-16(d) of title 42, and such compensatory damages as would be appropriate if awarded under section 1981 or sections 1981a(a) and 1981a(b)(2) of title 42;

(2) may include, in the case of a determination that a violation of subsection (a)(2) of this section has occurred, such remedies as would be appropriate if awarded under section 633a(c) of title 29; and

(3) may not include punitive damages.

(Pub. L. 102-166, title III, § 302, Nov. 21, 1991, 105 Stat. 1088; Pub. L. 104-1, title V, § 504(a)(1), Jan. 23, 1995, 109 Stat. 40.)

<sup>1</sup> See References in Text note below.