

Union Calendar No. 389

110TH CONGRESS
2^D SESSION

H. R. 5781

[Report No. 110-624, Part I]

To provide that 8 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 14, 2008

Mrs. MALONEY of New York (for herself, Mr. DAVIS of Illinois, Mr. TOM DAVIS of Virginia, Mr. GEORGE MILLER of California, Mr. HOYER, Mr. BERMAN, Mr. CUMMINGS, Ms. DELAURO, Mr. ELLISON, Mr. FATTAH, Mr. FILNER, Mrs. GILLIBRAND, Mr. AL GREEN of Texas, Mr. KUCINICH, Mr. LEWIS of Georgia, Ms. MCCOLLUM of Minnesota, Mr. MORAN of Virginia, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. VAN HOLLEN, and Ms. WOOLSEY) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, 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

MAY 8, 2008

Reported from the Committee on Oversight and Government Reform with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

MAY 8, 2008

Committee on House Administration discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To provide that 8 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes.

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 “Federal Employees Paid*
5 *Parental Leave Act of 2008”.*

6 **SEC. 2. PAID PARENTAL LEAVE UNDER TITLE 5.**

7 *(a) AMENDMENT TO TITLE 5.—Subsection (d) of sec-*
8 *tion 6382 of title 5, United States Code, is amended—*

9 *(1) by redesignating such subsection as sub-*
10 *section (d)(1);*

11 *(2) by striking “subparagraph (A), (B), (C), or”*
12 *and inserting “subparagraph (C) or”; and*

13 *(3) by adding at the end the following:*

14 *“(2) An employee may elect to substitute for any leave*
15 *without pay under subparagraph (A) or (B) of subsection*
16 *(a)(1) any paid leave which is available to such employee*
17 *for that purpose.*

18 *“(3) The paid leave that is available to an employee*
19 *for purposes of paragraph (2) is—*

1 “(A) subject to paragraph (6), 4 administrative
2 workweeks of paid parental leave under this subpara-
3 graph in connection with the birth or placement in-
4 volved; and

5 “(B) any annual or sick leave accrued or accu-
6 mulated by such employee under subchapter I.

7 “(4) Nothing in this subchapter shall be considered to
8 require—

9 “(A) that an employing agency provide paid sick
10 leave in any situation in which such employing agen-
11 cy would not normally be required to provide such
12 leave; or

13 “(B) that an employee first use all or any por-
14 tion of the leave described in subparagraph (B) of
15 paragraph (3) before being allowed to use the paid
16 parental leave described in subparagraph (A) of para-
17 graph (3).

18 “(5) Paid parental leave under paragraph (3)(A)—

19 “(A) shall be payable from any appropriation or
20 fund available for salaries or expenses for positions
21 within the employing agency;

22 “(B) shall not be considered to be annual or va-
23 cation leave for purposes of section 5551 or 5552 or
24 for any other purpose; and

1 “(C) if not used by the employee before the end
2 of the 12-month period (as referred to in subsection
3 (a)(1)) to which it relates, shall not accumulate for
4 any subsequent use.

5 “(6) The Director of the Office of Personnel Manage-
6 ment—

7 “(A) may promulgate regulations to increase the
8 amount of paid parental leave available to an em-
9 ployee under paragraph (3)(A), to a total of not more
10 than 8 administrative workweeks, based on the con-
11 sideration of the following factors:

12 “(i) the benefits provided to the Federal
13 Government of offering paid parental leave, in-
14 cluding enhanced recruitment and retention of
15 employees;

16 “(ii) the cost to the Federal Government of
17 increasing the amount of paid parental leave
18 that is available to employees;

19 “(iii) trends in the private sector and in
20 State and local governments with respect to of-
21 fering paid parental leave;

22 “(iv) the Federal Government’s role as a
23 model employer; and

24 “(v) such other factors as the Director con-
25 siders necessary; and

1 “(B) shall prescribe any regulations necessary to
2 carry out this subsection, including, subject to para-
3 graph (4)(B), the manner in which an employee may
4 designate any day or other period as to which such
5 employee wishes to use paid parental leave described
6 in paragraph (3)(A).”.

7 (b) *EFFECTIVE DATE.*—The amendments made by this
8 section shall not be effective with respect to any birth or
9 placement occurring before the end of the 6-month period
10 beginning on the date of the enactment of this Act.

11 **SEC. 3. PAID PARENTAL LEAVE FOR CONGRESSIONAL EM-**
12 **PLOYEES.**

13 (a) *AMENDMENT TO CONGRESSIONAL ACCOUNTABILITY*
14 *ACT.*—Section 202 of the Congressional Accountability Act
15 of 1995 (2 U.S.C. 1312) is amended—

16 (1) in subsection (a)(1), by adding at the end the
17 following: “In applying section 102(a)(1)(A) and (B)
18 to covered employees, subsection (d) shall apply.”;

19 (2) by redesignating subsections (d) and (e) as
20 subsections (e) and (f), respectively; and

21 (3) by inserting after subsection (c) the fol-
22 lowing:

23 “(d) *SPECIAL RULE FOR PAID PARENTAL LEAVE FOR*
24 *CONGRESSIONAL EMPLOYEES.*—

1 “(1) *SUBSTITUTION OF PAID LEAVE.*—A covered
2 employee taking leave without pay under subpara-
3 graphs (A) or (B) of section 102(a)(1) of the Family
4 and Medical Leave Act of 1993 (29 U.S.C.
5 2612(a)(1)) may elect to substitute for any such leave
6 any paid leave which is available to such employee
7 for that purpose.

8 “(2) *AMOUNT OF PAID LEAVE.*—The paid leave
9 that is available to a covered employee for purposes
10 of paragraph (1) is—

11 “(A) the number of weeks of paid parental
12 leave in connection with the birth or placement
13 involved that correspond to the number of ad-
14 ministrative workweeks of paid parental leave
15 available to Federal employees under section
16 6382(d)(3)(A) of title 5, United States Code; and

17 “(B) any additional paid vacation or sick
18 leave provided by the employing office to such
19 employee.

20 “(3) *LIMITATION.*—Nothing in this section shall
21 be considered to require—

22 “(A) that an employing office provide paid
23 sick leave in any situation in which such em-
24 ploying office would not normally be required to
25 provide such leave; or

1 “(B) that a covered employee first use all or
2 any portion of the leave described in subpara-
3 graph (B) of paragraph (2) before being allowed
4 to use paid parental leave described in subpara-
5 graph (A) of paragraph (2).

6 “(4) *ADDITIONAL RULES.—Paid parental leave*
7 *under paragraph (2)(A)—*

8 “(A) shall be payable from any appropria-
9 tion or fund available for salaries or expenses for
10 positions within the employing office; and

11 “(B) if not used by the covered employee be-
12 fore the end of the 12-month period (as referred
13 to in section 102(a)(1) of the Family and Med-
14 ical Leave Act of 1993 (29 U.S.C. 2612(a)(1)))
15 to which it relates, shall not accumulate for any
16 subsequent use.”.

17 (b) *EFFECTIVE DATE.—The amendments made by this*
18 *section shall not be effective with respect to any birth or*
19 *placement occurring before the end of the 6-month period*
20 *beginning on the date of the enactment of this Act.*

1 **SEC. 4. CONFORMING AMENDMENT TO FAMILY AND MED-**
2 **ICAL LEAVE ACT FOR GAO AND LIBRARY OF**
3 **CONGRESS EMPLOYEES.**

4 *Section 102(d) of the Family and Medical Leave Act*
5 *of 1993 (29 U.S.C. 2612(d)) is amended by adding at the*
6 *end the following:*

7 *“(3) SPECIAL RULE FOR GAO AND LIBRARY OF*
8 *CONGRESS EMPLOYEES.—*

9 *“(A) SUBSTITUTION OF PAID LEAVE.—An*
10 *employee of an employer described in section*
11 *101(4)(A)(iv) taking leave under subparagraphs*
12 *(A) or (B) of subsection (a)(1) may elect to sub-*
13 *stitute for any such leave any paid leave which*
14 *is available to such employee for that purpose.*

15 *“(B) AMOUNT OF PAID LEAVE.—The paid*
16 *leave that is available to an employee of an em-*
17 *ployer described in section 101(4)(A)(iv) for pur-*
18 *poses of paragraph (1) is—*

19 *“(i) the number of weeks of paid pa-*
20 *rental leave in connection with the birth or*
21 *placement involved that correspond to the*
22 *number of administrative workweeks of*
23 *paid parental leave available to Federal em-*
24 *ployees under section 6382(d)(3)(A) of title*
25 *5, United States Code; and*

1 “(i) any additional paid vacation or
2 sick leave provided by such employer.

3 “(C) *LIMITATION.*—Nothing in this para-
4 graph shall be considered to require—

5 “(i) that an employer described in sec-
6 tion 101(4)(A)(iv) provide paid sick leave
7 in any situation in which such employer
8 would not normally be required to provide
9 such leave; or

10 “(ii) that an employee of such an em-
11 ployer first use all or any portion of the
12 leave described in clause (i) of subpara-
13 graph (B) before being allowed to use paid
14 parental leave described in clause (i) of such
15 subparagraph.

16 “(D) *ADDITIONAL RULES.*—Paid parental
17 leave under subparagraph (B)(i)—

18 “(i) shall be payable from any appro-
19 priation or fund available for salaries or
20 expenses for positions with employers de-
21 scribed in section 101(4)(A)(iv); and

22 “(ii) if not used by the employee of
23 such employers before the end of the 12-
24 month period (as referred to in subsection

1 (a)(1)) to which it relates, shall not accu-
2 mulate for any subsequent use.”.

3 **SEC. 5. STUDY.**

4 (a) *IN GENERAL.*—Not later than 12 months after the
5 date of the enactment of this Act, the Government Account-
6 ability Office shall study and submit to Congress a written
7 report on the feasibility and desirability of providing an
8 insurance benefit to Federal employees which affords par-
9 tial or total wage replacement with respect to periods of
10 qualified leave.

11 (b) *PERIOD OF QUALIFIED LEAVE.*—For purposes of
12 this section, the term “period of qualified leave”, as used
13 with respect to a Federal employee, means any period of
14 leave under section 6382 of title 5, United States Code,
15 which would otherwise be leave without pay, and which is
16 available by reason of—

17 (1) the need to care for the spouse or a son,
18 daughter, or parent of the employee having a serious
19 health condition; or

20 (2) a serious health condition affecting the em-
21 ployee that renders such employee unable to perform
22 the functions of the employee’s position.

23 (c) *MATTERS FOR INCLUSION.*—The report shall in-
24 clude, at a minimum, the following:

1 (1) *A brief description of any plans or arrange-*
2 *ments under which similar benefits are currently pro-*
3 *vided to employees in this country (within the private*
4 *sector or State or local government) or in other coun-*
5 *tries.*

6 (2) *With respect to any plans or arrangements*
7 *under which such benefits are currently provided to*
8 *private or public sector employees in this country—*

9 (A) *the portion or percentage of wages typi-*
10 *cally replaced;*

11 (B) *how those benefits are generally funded,*
12 *including in terms of the employer and employee*
13 *shares;*

14 (C) *whether employee coverage is optional*
15 *or automatic; and*

16 (D) *any waiting period or other conditions*
17 *which may apply.*

18 (3) *Identification and assessment of any plans*
19 *or arrangements described under the preceding provi-*
20 *sions of this subsection (or any aspects thereof) which*
21 *might be particularly relevant to designing the insur-*
22 *ance benefit (described in subsection (a)) for Federal*
23 *employees, including how such benefit might be co-*
24 *ordinated with annual leave, sick leave, or any other*

- 1 *paid leave available to an employee for the purpose*
- 2 *involved.*

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