

Union Calendar No. 59

111TH CONGRESS
1ST SESSION

H. R. 626

[Report No. 111–116, Part I]

To provide that 4 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

JANUARY 22, 2009

Mrs. MALONEY (for herself, Mr. DAVIS of Illinois, Mr. WOLF, Mr. HOYER, Mr. CLAY, Mr. TOWNS, Ms. DELAURO, Mr. VAN HOLLEN, Ms. SCHAKOWSKY, Mr. MORAN of Virginia, Mr. SARBANES, Mr. KUCINICH, Mr. GEORGE MILLER of California, Mr. CUMMINGS, Mr. FATTAH, Mr. FILNER, Ms. MCCOLLUM, Ms. WOOLSEY, and Mr. LYNCH) 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 18, 2009

Reported from the Committee on Oversight and Government Reform

MAY 18, 2009

Additional sponsors: Mr. RUPPERSBERGER, Mr. CONNOLLY of Virginia, Mr. ROTHMAN of New Jersey, Mr. GONZALEZ, Ms. JACKSON-LEE of Texas, Mr. ELLISON, Mr. PALLONE, Mr. GRIJALVA, Ms. ZOE LOFGREN of California, Mr. ISRAEL, Mrs. MCCARTHY of New York, Mr. CONYERS, Mr. LATOURETTE, Mr. AL GREEN of Texas, Mr. TIM MURPHY of Pennsylvania, Ms. MATSUI, Mr. STARK, Mr. CARNAHAN, Mr. SCOTT of Virginia, Mr. SCHIFF, Mr. CARSON of Indiana, Mr. BISHOP of New York, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. SERRANO, Mr. SESTAK, Mr. MOORE of Kansas, Ms. CLARKE, Mr. RUSH, Mr. LEWIS of Georgia, Mr. PAYNE, Mrs. LOWEY, Ms. CORRINE BROWN of Florida, Ms. NORTON, Mr. PASTOR of Arizona, Mr. PRICE of North Carolina, Mr. NADLER of New York, and Ms. SUTTON

MAY 18, 2009

The 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 4 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
5 Paid Parental Leave Act of 2009”.

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),
12 or” 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
15 leave without pay under subparagraph (A) or (B) of sub-
16 section (a)(1) any paid leave which is available to such
17 employee for that purpose.

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

3 “(A) subject to paragraph (6), 4 administrative
4 workweeks of paid parental leave under this sub-
5 paragraph in connection with the birth or placement
6 involved; and

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

9 “(4) Nothing in this subsection shall be considered
10 to require that an employee first use all or any portion
11 of the leave described in subparagraph (B) of paragraph
12 (3) before being allowed to use the paid parental leave de-
13 scribed in subparagraph (A) of paragraph (3).

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

15 “(A) shall be payable from any appropriation or
16 fund available for salaries or expenses for positions
17 within the employing agency;

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

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

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

3 “(A) may promulgate regulations to increase
4 the amount of paid parental leave available to an
5 employee under paragraph (3)(A), to a total of not
6 more than 8 administrative workweeks, based on the
7 consideration of—

8 “(i) the benefits provided to the Federal
9 Government of offering increased paid parental
10 leave, including enhanced recruitment and re-
11 tention of employees;

12 “(ii) the cost to the Federal Government of
13 increasing the amount of paid parental leave
14 that is available to employees;

15 “(iii) trends in the private sector and in
16 State and local governments with respect to of-
17 fering paid parental leave;

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

20 “(v) such other factors as the Director
21 considers necessary; and

22 “(B) shall prescribe any regulations necessary
23 to carry out this subsection, including, subject to
24 paragraph (4), the manner in which an employee
25 may designate any day or other period as to which

1 such employee wishes to use paid parental leave de-
2 scribed in paragraph (3)(A).”.

3 (b) **EFFECTIVE DATE.**—The amendment made by
4 this section shall not be effective with respect to any birth
5 or placement occurring before the end of the 6-month pe-
6 riod beginning on the date of the enactment of this Act.

7 **SEC. 3. PAID PARENTAL LEAVE FOR CONGRESSIONAL EM-**
8 **PLOYEES.**

9 (a) **AMENDMENT TO CONGRESSIONAL ACCOUNT-**
10 **ABILITY ACT.**—Section 202 of the Congressional Account-
11 ability Act of 1995 (2 U.S.C. 1312) is amended—

12 (1) in subsection (a)(1), by adding at the end
13 the following: “In applying section 102(a)(1)(A) and
14 (B) of such Act to covered employees, subsection (d)
15 shall apply.”;

16 (2) by redesignating subsections (d) and (e) as
17 subsections (e) and (f), respectively; and

18 (3) by inserting after subsection (c) the fol-
19 lowing:

20 “(d) **SPECIAL RULE FOR PAID PARENTAL LEAVE**
21 **FOR CONGRESSIONAL EMPLOYEES.**—

22 “(1) **SUBSTITUTION OF PAID LEAVE.**—A cov-
23 ered employee taking leave without pay under sub-
24 paragraph (A) or (B) of section 102(a)(1) of the
25 Family and Medical Leave Act of 1993 (29 U.S.C.

1 2612(a)(1)) may elect to substitute for any such
2 leave any paid leave which is available to such em-
3 ployee for that purpose.

4 “(2) AMOUNT OF PAID LEAVE.—The paid leave
5 that is available to a covered employee for purposes
6 of paragraph (1) is—

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

14 “(B) any additional paid vacation or sick
15 leave provided by the employing office to such
16 employee.

17 “(3) LIMITATION.—Nothing in this subsection
18 shall be considered to require that an employee first
19 use all or any portion of the leave described in sub-
20 paragraph (B) of paragraph (2) before being allowed
21 to use the paid parental leave described in subpara-
22 graph (A) of paragraph (2).

23 “(4) ADDITIONAL RULES.—Paid parental leave
24 under paragraph (2)(A)—

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

4 “(B) if not used by the covered employee
5 before the end of the 12-month period (as re-
6 ferred to in section 102(a)(1) of the Family and
7 Medical Leave Act of 1993 (29 U.S.C.
8 2612(a)(1))) to which it relates, shall not accu-
9 mulate for any subsequent use.”.

10 (b) EFFECTIVE DATE.—The amendment made by
11 this section shall not be effective with respect to any birth
12 or placement occurring before the end of the 6-month pe-
13 riod beginning on the date of the enactment of this Act.

14 **SEC. 4. CONFORMING AMENDMENT TO FAMILY AND MED-**
15 **ICAL LEAVE ACT FOR GAO AND LIBRARY OF**
16 **CONGRESS EMPLOYEES.**

17 (a) AMENDMENT TO FAMILY AND MEDICAL LEAVE
18 ACT OF 1993.—Section 102(d) of the Family and Medical
19 Leave Act of 1993 (29 U.S.C. 2612(d)) is amended by
20 adding at the end the following:

21 “(3) SPECIAL RULE FOR GAO AND LIBRARY OF
22 CONGRESS EMPLOYEES.—

23 “(A) SUBSTITUTION OF PAID LEAVE.—An
24 employee of an employer described in section
25 101(4)(A)(iv) taking leave under subparagraph

1 (A) or (B) of subsection (a)(1) may elect to
2 substitute for any such leave any paid leave
3 which is available to such employee for that
4 purpose.

5 “(B) AMOUNT OF PAID LEAVE.—The paid
6 leave that is available to an employee of an em-
7 ployer described in section 101(4)(A)(iv) for
8 purposes of subparagraph (A) is—

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

16 “(ii) any additional paid vacation or
17 sick leave provided by such employer.

18 “(C) LIMITATION.—Nothing in this para-
19 graph shall be considered to require that an
20 employee first use all or any portion of the
21 leave described in clause (ii) of subparagraph
22 (B) before being allowed to use the paid paren-
23 tal leave described in clause (i) of such subpara-
24 graph.

1 “(D) ADDITIONAL RULES.—Paid parental
2 leave under subparagraph (B)(i)—

3 “(i) shall be payable from any appro-
4 priation or fund available for salaries or
5 expenses for positions with the employer
6 described in section 101(4)(A)(iv); and

7 “(ii) if not used by the employee of
8 such employer before the end of the 12-
9 month period (as referred to in subsection
10 (a)(1)) to which it relates, shall not accu-
11 mulate for any subsequent use.”.

12 (b) EFFECTIVE DATE.—The amendment made by
13 this section shall not be effective with respect to any birth
14 or placement occurring before the end of the 6-month pe-
15 riod beginning on the date of the enactment of this Act.

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