

110TH CONGRESS
2D SESSION

H. R. 5718

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 8, 2008

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

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
5 Paid Parental Leave Act of 2008”.

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

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

4 (1) by redesignating such subsection as sub-
5 section (d)(1);

6 (2) by striking “subparagraphs (A), (B), (C),
7 and” and inserting “subparagraphs (C) and”; and

8 (3) by adding at the end the following:

9 “(2) An employee may elect to substitute for any
10 leave without pay under subparagraph (A) or (B) of sub-
11 section (a)(1) any paid leave which is available to such
12 employee for that purpose.

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

15 “(A) 8 administrative workweeks of paid paren-
16 tal leave under this subparagraph in connection with
17 the birth or placement involved; and

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

20 “(4) Nothing in this subchapter shall be considered
21 to require—

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

1 “(B) that an employee first use all or any por-
2 tion of the leave described in subparagraph (B) of
3 paragraph (3) before being allowed to use the paid
4 parental leave described in subparagraph (A) of such
5 subparagraph.

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

7 “(A) shall be payable from any appropriation or
8 fund available for salaries or expenses for positions
9 within the employing agency;

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

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

17 “(6) The Director of the Office shall prescribe any
18 regulations necessary to carry out this subsection, includ-
19 ing, subject to paragraph (4)(B), the manner in which an
20 employee may designate any day or other period as to
21 which such employee wishes to use paid parental leave de-
22 scribed in paragraph (3)(A).”.

23 (b) EFFECTIVE DATE.—The amendments made by
24 this section shall not be effective with respect to any birth

1 or placement occurring before the end of the 6-month pe-
 2 riod beginning on the date of the enactment of this Act.

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

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

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

12 (2) by redesignating subsections (d) and (e) as
 13 subsections (e) and (f), respectively; and

14 (3) by inserting after subsection (c) the fol-
 15 lowing:

16 “(d) SPECIAL RULE FOR PAID PARENTAL LEAVE
 17 FOR CONGRESSIONAL EMPLOYEES.—

18 “(1) SUBSTITUTION OF PAID LEAVE.—A cov-
 19 ered employee taking leave without pay under sub-
 20 paragraphs (A) or (B) of section 102(a)(1) of the
 21 Family and Medical Leave Act of 1993 (29 U.S.C.
 22 2612(a)(1)) may elect to substitute for any such
 23 leave any paid leave which is available to such em-
 24 ployee for that purpose.

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

4 “(A) 8 workweeks of paid parental leave
5 under this subparagraph in connection with the
6 birth or placement involved; and

7 “(B) any additional paid vacation or sick
8 leave provided by the employing office to such
9 employee.

10 “(3) LIMITATION.—Nothing in this section
11 shall be considered to require—

12 “(A) that an employing office provide paid
13 sick leave in any situation in which such em-
14 ploying office would not normally be required to
15 provide such leave; or

16 “(B) that a covered employee first use all
17 or any portion of the leave described in sub-
18 paragraph (B) of paragraph (2) before being al-
19 lowed to use paid parental leave described in
20 subparagraph (A) of such paragraph.

21 “(4) ADDITIONAL RULES.—Paid parental leave
22 under paragraph (2)(A)—

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

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

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

11 **SEC. 4. CONFORMING AMENDMENT TO FAMILY AND MED-**
 12 **ICAL LEAVE ACT FOR GAO AND LIBRARY OF**
 13 **CONGRESS EMPLOYEES.**

14 Section 102(d) of the Family and Medical Leave Act
 15 of 1993 (29 U.S.C. 2612(d)) is amended by adding at the
 16 end the following:

17 “(3) SPECIAL RULE FOR GAO AND LIBRARY OF
 18 CONGRESS EMPLOYEES.—

19 “(A) SUBSTITUTION OF PAID LEAVE.—An
 20 employee of an employer described in section
 21 101(4)(A)(iv) taking leave under subparagraphs
 22 (A) or (B) of subsection (a)(1) may elect to
 23 substitute for any such leave any paid leave
 24 which is available to such employee for that
 25 purpose.

1 “(B) AMOUNT OF PAID LEAVE.—The paid
2 leave that is available to an employee of an em-
3 ployer described in section 101(4)(A)(iv) for
4 purposes of paragraph (1) is—

5 “(i) 8 workweeks of paid parental
6 leave under this clause in connection with
7 the birth or placement involved; and

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

10 “(C) LIMITATION.—Nothing in this para-
11 graph shall be considered to require—

12 “(i) that an employer described in sec-
13 tion 101(4)(A)(iv) provide paid sick leave
14 in any situation in which such employer
15 would not normally be required to provide
16 such leave; or

17 “(ii) that an employee of such an em-
18 ployer first use all or any portion of the
19 leave described in clause (ii) of subpara-
20 graph (B) before being allowed to use paid
21 parental leave described in clause (i) of
22 such subparagraph.

23 “(D) ADDITIONAL RULES.—Paid parental
24 leave under subparagraph (B)(i)—

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

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

10 **SEC. 5. STUDY.**

11 (a) IN GENERAL.—Not later than 12 months after
 12 the date of the enactment of this Act, the Government
 13 Accountability Office shall study and submit to Congress
 14 a written report on the feasibility and desirability of pro-
 15 viding an insurance benefit to Federal employees which
 16 affords partial or total wage replacement with respect to
 17 periods of qualified leave.

18 (b) PERIOD OF QUALIFIED LEAVE.—For purposes of
 19 this section, the term “period of qualified leave”, as used
 20 with respect to a Federal employee, means any period of
 21 leave under section 6382 of title 5, United States Code,
 22 which would otherwise be leave without pay, and which
 23 is available by reason of—

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

4 (2) a serious health condition affecting the em-
5 ployee that renders such employee unable to perform
6 the functions of the employee's position.

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

9 (1) A brief description of any plans or arrange-
10 ments under which similar benefits are currently
11 provided to employees in this country (within the
12 private sector or State or local government) or in
13 other countries.

14 (2) With respect to any plans or arrangements
15 under which such benefits are currently provided to
16 private or public sector employees in this country—

17 (A) the portion or percentage of wages
18 typically replaced;

19 (B) how those benefits are generally fund-
20 ed, including in terms of the employer and em-
21 ployee shares;

22 (C) whether employee coverage is optional
23 or automatic; and

24 (D) any waiting period or other conditions
25 which may apply.

1 (3) Identification and assessment of any plans
2 or arrangements described under the preceding pro-
3 visions of this subsection (or any aspects thereof)
4 which might be particularly relevant to designing the
5 insurance benefit (described in subsection (a)) for
6 Federal employees, including how such benefit might
7 be coordinated with annual leave, sick leave, or any
8 other paid leave available to an employee for the
9 purpose involved.

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