

110TH CONGRESS
1ST SESSION

S. 880

To amend the Congressional Accountability Act of 1995 to provide for 8 weeks of paid leave for Senate employees giving birth, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 14, 2007

Mr. STEVENS (for himself, Mr. BYRD, and Mr. INOUE) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend the Congressional Accountability Act of 1995 to provide for 8 weeks of paid leave for Senate employees giving birth, 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 “Senate Family Leave
5 Act”.

6 **SEC. 2. PAID LEAVE FOR LEGISLATIVE BRANCH EMPLOY-**
7 **EES.**

8 Section 202 of the Congressional Accountability Act
9 of 1995 (2 U.S.C. 1312) is amended—

1 (1) in subsection (a)—

2 (A) by striking paragraph (2); and

3 (B) by inserting after paragraph (1) the
4 following:

5 “(2) PAID LEAVE FOLLOWING BIRTH.—

6 “(A) LEAVE FOLLOWING BIRTH TO ASSIST
7 IN EMPLOYEE’S RECOVERY.—Leave granted
8 under paragraph (1) in accordance with section
9 102(a)(1)(D) of the Family and Medical Leave
10 Act of 1993 (29 U.S.C. 2612(a)(1)(D)) to an
11 employee who gives birth shall include paid
12 leave for a contiguous period immediately fol-
13 lowing the birth, to assist in the employee’s re-
14 covery. The employee shall be entitled to the
15 paid leave for 7 contiguous workweeks, or for
16 such lesser amount of leave time as is available
17 to the employee under paragraph (1).

18 “(B) LEAVE FOLLOWING BIRTH GEN-
19 ERALLY.—Leave granted under paragraph (1)
20 in accordance with section 102(a)(1)(A) of the
21 Family and Medical Leave Act of 1993 (29
22 U.S.C. 2612(a)(1)(A)) to an employee because
23 of the birth of a son or daughter of the em-
24 ployee shall include paid leave. The employee
25 shall be entitled to the paid leave for 1 work-

1 week, or for such lesser amount of leave time
2 as is available to the employee under paragraph
3 (1).

4 “(3) PAID LEAVE FOLLOWING PLACEMENT FOR
5 ADOPTION OR FOSTER CARE.—Leave granted under
6 paragraph (1) in accordance with section
7 102(a)(1)(B) of the Family and Medical Leave Act
8 of 1993 (29 U.S.C. 2612(a)(1)(B)) to an employee
9 because of the placement of a son or daughter with
10 the employee for adoption or foster care shall in-
11 clude paid leave. The employee shall be entitled to
12 the paid leave for 1 workweek, or for such lesser
13 amount of leave time as is available to the employee
14 under paragraph (1).

15 “(4) DEFINITIONS.—For purposes of this sub-
16 section, including the application described in para-
17 graph (1)—

18 “(A) the term ‘employer’ as used in the
19 Family and Medical Leave Act of 1993 means
20 any employing office headed by a person with
21 the final authority described in section
22 101(9)(C), concerning a covered employee who
23 is not an employee of the House of Representa-
24 tives; and

1 “(B) the term ‘eligible employee’ as used
 2 in the Family and Medical Leave Act of 1993,
 3 and the term ‘employee’ as used in paragraphs
 4 (2) and (3), means a covered employee (who is
 5 not an employee of the House of Representa-
 6 tives) who has been employed in any employing
 7 office for 12 months and for at least 1,250
 8 hours of employment during the previous 12
 9 months.”;

10 (2) in subsection (c), by adding at the end the
 11 following:

12 “(3) PAID LEAVE.—

13 “(A) IN GENERAL.—Paragraphs (2) and
 14 (3) of subsection (a) shall apply to—

15 “(i) the Government Accountability
 16 Office and each employee of that office
 17 who has been employed by that office as
 18 described in subsection (a)(4)(B); and

19 “(ii) the Library of Congress and each
 20 employee of that office who has been em-
 21 ployed by that office as described in sub-
 22 section (a)(4)(B).

23 “(B) REGULATIONS.—The Comptroller
 24 General of the United States and the Librarian
 25 of Congress shall issue regulations to implement

1 the rights and protections established under
 2 this paragraph.”; and

3 (3) in subsection (d)—

4 (A) in paragraph (1), by inserting “(other
 5 than subsection (c))” before the period; and

6 (B) in paragraph (2), by inserting “The”
 7 and inserting “Except with regard to regula-
 8 tions issued to implement paragraphs (2) and
 9 (3) of subsection (a), the”.

10 **SEC. 3. RESPONSIBLE PARENTING LEAVE FOR LEGISLA-**
 11 **TIVE BRANCH EMPLOYEES.**

12 The Congressional Accountability Act of 1995 is
 13 amended by inserting after section 202 (2 U.S.C. 1312)
 14 the following:

15 **“SEC. 202A. RIGHTS AND PROTECTIONS RELATING TO RE-**
 16 **SPONSIBLE PARENTING LEAVE.**

17 **“(a) RESPONSIBLE PARENTING LEAVE RIGHTS AND**
 18 **PROTECTIONS PROVIDED.—**

19 **“(1) DEFINITIONS.—**For purposes of this sub-
 20 section, including the application described in para-
 21 graph (4)—

22 **“(A)** the term ‘employer’ as used in the
 23 Family and Medical Leave Act of 1993 means
 24 any employing office headed by a person with
 25 the final authority described in section

101(9)(C) concerning a covered employee who is not an employee of the House of Representatives;

“(B) the term ‘eligible employee’ as used in the Family and Medical Leave Act of 1993, and the term ‘employee’ as used in this subsection, means a covered employee (who is not an employee of the House of Representatives) who has been employed in any employing office for 12 months and for at least 1,250 hours of employment during the previous 12 months; and

“(C) the term ‘son or daughter’ has the meaning given the term in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

“(2) RESPONSIBLE PARENTING LEAVE RIGHTS AND PROTECTIONS.—

“(A) IN GENERAL.—In addition to any leave provided under section 202, an employee shall be entitled to a total of 8 hours of paid leave, which may be taken intermittently during any 12-month period, to accompany the employee’s son or daughter to—

“(i) a medical or dental appointment;

1 “(ii) an appointment with a teacher or
 2 other official of the son’s or daughter’s
 3 school; or

4 “(iii) a school function of the son’s or
 5 daughter’s school.

6 “(B) MULTIPLE CHILDREN.—Subpara-
 7 graph (A) applies separately to each son or
 8 daughter of an employee.

9 “(3) NOTICE AND CERTIFICATION.—

10 “(A) NOTICE.—In any case in which the
 11 necessity for leave under paragraph (2) is fore-
 12 seeable, the employee shall provide the employ-
 13 ing office with not less than 7 days’ notice, be-
 14 fore the date the leave is to begin, of the em-
 15 ployee’s intention to take leave under such
 16 paragraph. If the necessity for the leave is not
 17 foreseeable, the employee shall provide such no-
 18 tice as is practicable.

19 “(B) CERTIFICATION.—An employing of-
 20 fice may require that a request for leave under
 21 paragraph (2) be supported by a certification
 22 issued at such time and in such manner as the
 23 Board may by regulation prescribe.

24 “(4) EMPLOYMENT AND BENEFITS PROTECTION
 25 AND PROHIBITED ACTS.—The rights and protections

1 established by subsections (a) (other than paragraph
 2 (4)) and (c)(1) of section 104 of the Family and
 3 Medical Leave Act of 1993 (29 U.S.C. 2614) shall
 4 apply to employees with respect to leave under para-
 5 graph (2). For purposes of the application described
 6 in this paragraph, references in that section 104 to
 7 leave shall be considered to be references to leave
 8 under paragraph (2).

9 “(b) REMEDY.—The remedy for a violation of sub-
 10 section (a) shall be such remedy, including liquidated dam-
 11 ages, as would be appropriate if awarded under paragraph
 12 (1) of section 107(a) of the Family and Medical Leave
 13 Act of 1993 (29 U.S.C. 2617(a)(1)).

14 “(c) APPLICATION TO GOVERNMENT ACCOUNT-
 15 ABILITY OFFICE AND LIBRARY OF CONGRESS.—

16 “(1) IN GENERAL.—Subsections (a) and (b)
 17 shall apply to—

18 “(A) the Government Accountability Office
 19 and each employee of that office who has been
 20 employed by that office as described in sub-
 21 section (a)(1)(B); and

22 “(B) the Library of Congress and each em-
 23 ployee of that office who has been employed by
 24 that office as described in subsection (a)(1)(B).

1 “(2) REGULATIONS.—The Comptroller General
2 of the United States and the Librarian of Congress
3 shall issue regulations to implement the rights and
4 protections established under this subsection.

5 “(d) REGULATIONS.—The Board shall, pursuant to
6 section 304, issue regulations to implement the rights and
7 protections under this section (other than subsection
8 (c)).”.

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