

113TH CONGRESS
1ST SESSION

H. R. 517

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

FEBRUARY 5, 2013

Mrs. CAROLYN B. MALONEY of New York (for herself, Ms. NORTON, Mr. CONNOLLY, Mr. GEORGE MILLER of California, Mr. CONYERS, and Mr. GRIJALVA) 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

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 2013”.

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 “subparagraph (A), (B), (C),
7 or” and inserting “subparagraph (C) or”; 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) subject to paragraph (6), 4 administrative
16 workweeks of paid parental leave under this sub-
17 paragraph in connection with the birth or placement
18 involved; and

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

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

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

1 “(A) shall be payable from any appropriation or
2 fund available for salaries or expenses for positions
3 within the employing agency;

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

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

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

13 “(A) may promulgate regulations to increase
14 the amount of paid parental leave available to an
15 employee under paragraph (3)(A), to a total of not
16 more than 8 administrative workweeks, based on the
17 consideration of—

18 “(i) the benefits provided to the Federal
19 Government of offering increased paid parental
20 leave, including enhanced recruitment and re-
21 tention of employees;

22 “(ii) the cost to the Federal Government of
23 increasing the amount of paid parental leave
24 that is available to employees;

1 “(iii) trends in the private sector and in
 2 State and local governments with respect to of-
 3 fering paid parental leave;

4 “(iv) the Federal Government’s role as a
 5 model employer;

6 “(v) the impact of increased paid parental
 7 leave on lower-income and economically dis-
 8 advantaged employees and their children; and

9 “(vi) such other factors as the Director
 10 considers necessary; and

11 “(B) shall prescribe any regulations necessary
 12 to carry out this subsection, including, subject to
 13 paragraph (4), the manner in which an employee
 14 may designate any day or other period as to which
 15 such employee wishes to use paid parental leave de-
 16 scribed in paragraph (3)(A).”.

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

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

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

1 (1) in subsection (a)(1), by adding at the end
2 the following: “In applying section 102(a)(1) (A)
3 and (B) of such Act to covered employees, sub-
4 section (d) shall apply.”;

5 (2) by redesignating subsections (d) and (e) as
6 subsections (e) and (f), respectively; and

7 (3) by inserting after subsection (c) the fol-
8 lowing:

9 “(d) SPECIAL RULE FOR PAID PARENTAL LEAVE
10 FOR CONGRESSIONAL EMPLOYEES.—

11 “(1) SUBSTITUTION OF PAID LEAVE.—A cov-
12 ered employee taking leave without pay under sub-
13 paragraph (A) or (B) of section 102(a)(1) of the
14 Family and Medical Leave Act of 1993 (29 U.S.C.
15 2612(a)(1)) may elect to substitute for any such
16 leave any paid leave which is available to such em-
17 ployee for that purpose.

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

21 “(A) the number of weeks of paid parental
22 leave in connection with the birth or placement
23 involved that correspond to the number of ad-
24 ministrative workweeks of paid parental leave
25 available to Federal employees under section

1 6382(d)(3)(A) of title 5, United States Code;
2 and

3 “(B) any additional paid vacation or sick
4 leave provided by the employing office to such
5 employee.

6 “(3) LIMITATION.—Nothing in this subsection
7 shall be considered to require that an employee first
8 use all or any portion of the leave described in sub-
9 paragraph (B) of paragraph (2) before being allowed
10 to use the paid parental leave described in subpara-
11 graph (A) of paragraph (2).

12 “(4) ADDITIONAL RULES.—Paid parental leave
13 under paragraph (2)(A)—

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

17 “(B) if not used by the covered employee
18 before the end of the 12-month period (as re-
19 ferred to in section 102(a)(1) of the Family and
20 Medical Leave Act of 1993 (29 U.S.C.
21 2612(a)(1))) to which it relates, shall not accu-
22 mulate for any subsequent use.”.

23 (b) EFFECTIVE DATE.—The amendment 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. 4. CONFORMING AMENDMENT TO FAMILY AND MED-**
 4 **ICAL LEAVE ACT FOR GAO AND LIBRARY OF**
 5 **CONGRESS EMPLOYEES.**

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

10 “(3) SPECIAL RULE FOR GAO AND LIBRARY OF
 11 CONGRESS EMPLOYEES.—

12 “(A) SUBSTITUTION OF PAID LEAVE.—An
 13 employee of an employer described in section
 14 101(4)(A)(iv) taking leave under subparagraph
 15 (A) or (B) of subsection (a)(1) may elect to
 16 substitute for any such leave any paid leave
 17 which is available to such employee for that
 18 purpose.

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

23 “(i) the number of weeks of paid pa-
 24 rental leave in connection with the birth or
 25 placement involved that correspond to the

1 number of administrative workweeks of
2 paid parental leave available to Federal
3 employees under section 6382(d)(3)(A) of
4 title 5, United States Code; and

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

7 “(C) LIMITATION.—Nothing in this para-
8 graph shall be considered to require that an
9 employee first use all or any portion of the
10 leave described in clause (ii) of subparagraph
11 (B) before being allowed to use the paid paren-
12 tal leave described in clause (i) of such subpara-
13 graph.

14 “(D) ADDITIONAL RULES.—Paid parental
15 leave under subparagraph (B)(i)—

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

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

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

5 **SEC. 5. CLARIFICATION FOR MEMBERS OF THE NATIONAL**
6 **GUARD AND RESERVES.**

7 (a) EXECUTIVE BRANCH EMPLOYEES.—For pur-
8 poses of determining the eligibility of an employee who is
9 a member of the National Guard or Reserves to take leave
10 under paragraph (1) (A) or (B) of section 6382(a) of title
11 5, United States Code, or to substitute such leave pursu-
12 ant to paragraph (2) of such section (as added by section
13 2), any service by such employee on active duty (as defined
14 in section 6381(7) of such title) shall be counted as service
15 as an employee for purposes of section 6381(1)(B) of such
16 title.

17 (b) CONGRESSIONAL EMPLOYEES.—For purposes of
18 determining the eligibility of a covered employee (as such
19 term is defined in section 101(3) of the Congressional Ac-
20 countability Act) who is a member of the National Guard
21 or Reserves to take leave under subparagraph (A) or (B)
22 of section 102(a)(1) of the Family and Medical Leave Act
23 of 1993 (pursuant to section 202(a)(1) of the Congres-
24 sional Accountability Act), or to substitute such leave pur-
25 suant to subsection (d) of section 202 of such Act (as

1 added by section 3), any service by such employee on ac-
2 tive duty (as defined in section 101(14) of the Family and
3 Medical Leave Act of 1993) shall be counted as time dur-
4 ing which such employee has been employed in an employ-
5 ing office for purposes of section 202(a)(2)(B) of the Con-
6 gressional Accountability Act.

7 (c) GAO AND LIBRARY OF CONGRESS EMPLOY-
8 EES.—For purposes of determining the eligibility of an
9 employee of the Government Accountability Office or Li-
10 brary of Congress who is a member of the National Guard
11 or Reserves to take leave under subparagraph (A) or (B)
12 of section 102(a)(1) of the Family and Medical Leave Act
13 of 1993, or to substitute such leave pursuant to paragraph
14 (3) of section 102(d) of such Act (as added by section
15 4), any service by such employee on active duty (as defined
16 in section 101(14) of such Act) shall be counted as time
17 during which such employee has been employed for pur-
18 poses of section 101(2)(A) of such Act.

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