

115TH CONGRESS
1ST SESSION

H. R. 1022

To provide that 6 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 13, 2017

Mrs. CAROLYN B. MALONEY of New York (for herself, Mrs. COMSTOCK, Mr. HOYER, Mr. CONNOLLY, Ms. NORTON, Mr. BEYER, Mr. RASKIN, Mr. GARAMENDI, Mr. SERRANO, Mr. SOTO, Mr. HASTINGS, Ms. SPEIER, Mr. NADLER, Mr. LYNCH, Mr. SMITH of Washington, Mr. KEATING, Mr. RYAN of Ohio, Mr. COOPER, Ms. DEGETTE, Mr. SEAN PATRICK MALONEY of New York, Mr. BLUMENAUER, Ms. ADAMS, Mrs. LAWRENCE, Mr. SARBANES, Mr. GRIJALVA, Mr. DELANEY, Mr. JOHNSON of Georgia, Mr. LARSEN of Washington, Mr. TAKANO, Ms. CLARKE of New York, Mr. AL GREEN of Texas, Ms. BORDALLO, Mr. LOWENTHAL, Ms. WASSERMAN SCHULTZ, Mr. COHEN, Ms. SHEA-PORTER, Ms. TSONGAS, Mr. FOSTER, Ms. BONAMICI, Mrs. WATSON COLEMAN, Ms. MOORE, Mr. KILMER, Ms. VELÁZQUEZ, Mr. CARTWRIGHT, and Ms. SCHAKOWSKY) 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 6 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Employees
3 Paid Parental Leave Act of 2017”.

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

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

7 (1) by redesignating such subsection as sub-
8 section (d)(1);

9 (2) by striking “subparagraph (A), (B), (C),”
10 and inserting “subparagraph (C),”; and

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

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

16 “(3) The paid leave that is available to an em-
17 ployee for purposes of paragraph (2) is—

18 “(A) subject to paragraph (6), 6 adminis-
19 trative workweeks of paid parental leave under
20 this subparagraph in connection with the birth
21 or placement involved; and

22 “(B) any annual or sick leave accrued or
23 accumulated by such employee under sub-
24 chapter I.

25 “(4) Nothing in this subsection shall be consid-
26 ered to require that an employee first use all or any

1 portion of the leave described in paragraph (3)(B)
2 before being allowed to use the paid parental leave
3 described in paragraph (3)(A).

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

6 “(A) shall be payable from any appropria-
7 tion or fund available for salaries or expenses
8 for positions within the employing agency;

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

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

16 “(6) The Director of the Office of Personnel
17 Management—

18 “(A) may promulgate regulations to in-
19 crease the amount of paid parental leave avail-
20 able to an employee under paragraph (3)(A), to
21 a total of not more than 12 administrative
22 workweeks, based on the consideration of—

23 “(i) the benefits provided to the Fed-
24 eral Government of offering increased paid

1 parental leave, including enhanced recruit-
2 ment and retention of employees;

3 “(ii) the cost to the Federal Govern-
4 ment of increasing the amount of paid pa-
5 rental leave that is available to employees;

6 “(iii) trends in the private sector and
7 in State and local governments with re-
8 spect to offering paid parental leave;

9 “(iv) the Federal Government’s role
10 as a model employer;

11 “(v) the impact of increased paid pa-
12 rental leave on lower-income and economi-
13 cally disadvantaged employees and their
14 children; and

15 “(vi) such other factors as the Direc-
16 tor considers necessary; and

17 “(B) shall prescribe any regulations nec-
18 essary to carry out this subsection, including,
19 subject to paragraph (4), the manner in which
20 an employee may designate any day or other
21 period as to which such employee wishes to use
22 paid parental leave described in paragraph
23 (3)(A).”.

24 (b) EFFECTIVE DATE.—The amendment made by
25 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) AMENDMENTS 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)
 10 and (B) of such Act to covered employees, sub-
 11 section (d) shall 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 paragraph (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) the number of weeks of paid parental
5 leave in connection with the birth or placement
6 involved that correspond to the number of ad-
7 ministrative workweeks of paid parental leave
8 available to Federal employees under section
9 6382(d)(3)(A) of title 5, United States Code;
10 and

11 “(B) any additional paid vacation or sick
12 leave provided by the employing office to such
13 employee.

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

19 “(4) ADDITIONAL RULES.—Paid parental leave
20 under paragraph (2)(A)—

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

24 “(B) if not used by the covered employee
25 before the end of the 12-month period (as re-

1 ferred to in section 102(a)(1) of the Family and
 2 Medical Leave Act of 1993 (29 U.S.C.
 3 2612(a)(1))) to which it relates, shall not accu-
 4 mulate for any subsequent use.”.

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

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

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

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

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

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

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

14 “(C) LIMITATION.—Nothing in this para-
15 graph shall be considered to require that an
16 employee first use all or any portion of the
17 leave described in subparagraph (B)(ii) before
18 being allowed to use the paid parental leave de-
19 scribed in clause (i) of such subparagraph.

20 “(D) ADDITIONAL RULES.—Paid parental
21 leave under subparagraph (B)(i)—

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

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

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

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

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

22 (b) CONGRESSIONAL EMPLOYEES.—For purposes of
 23 determining the eligibility of a covered employee (as such
 24 term is defined in section 101(3) of the Congressional Ac-
 25 countability Act) who is a member of the National Guard

1 or Reserves to take leave under subparagraph (A) or (B)
2 of section 102(a)(1) of the Family and Medical Leave Act
3 of 1993 (pursuant to section 202(a)(1) of the Congres-
4 sional Accountability Act), or to substitute such leave pur-
5 suant to subsection (d) of section 202 of such Act (as
6 added by section 3), any service by such employee on ac-
7 tive duty (as defined in section 101(14) of the Family and
8 Medical Leave Act of 1993) shall be counted as time dur-
9 ing which such employee has been employed in an employ-
10 ing office for purposes of section 202(a)(2)(B) of the Con-
11 gressional Accountability Act.

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

1 **SEC. 6. CONFORMING AMENDMENT FOR CERTAIN TSA EM-**
2 **PLOYEES.**

3 Section 111(d)(2) of the Aviation and Transportation
4 Security Act (49 U.S.C. 44935 note) is amended to read
5 as follows:

6 “(2) EXCEPTIONS.—

7 “(A) REEMPLOYMENT.—In carrying out
8 the functions authorized under paragraph (1),
9 the Under Secretary shall be subject to the pro-
10 visions set forth in chapter 43 of title 38,
11 United States Code.

12 “(B) LEAVE.—The provisions of section
13 6382(a)(1)(A) and (B) of title 5, United States
14 Code, and subsection (d)(2) through (6) of such
15 section, shall apply to any individual appointed
16 under paragraph (1).”.

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