

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.

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## 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

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## 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           piation 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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