

110TH CONGRESS
2D SESSION

H. R. 5781

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 14, 2008

Mrs. MALONEY of New York (for herself, Mr. DAVIS of Illinois, Mr. TOM DAVIS of Virginia, Mr. GEORGE MILLER of California, Mr. HOYER, Mr. BERMAN, Mr. CUMMINGS, Ms. DELAURO, Mr. ELLISON, Mr. FATTAH, Mr. FILNER, Mrs. GILLIBRAND, Mr. AL GREEN of Texas, Mr. KUCINICH, Mr. LEWIS of Georgia, Ms. MCCOLLUM of Minnesota, Mr. MORAN of Virginia, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. VAN HOLLEN, and Ms. WOOLSEY) 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 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 “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) 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
5 paragraph (3).

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 of Personnel Manage-
18 ment shall prescribe any regulations necessary to carry out
19 this subsection, including, subject to paragraph (4)(B),
20 the manner in which an employee may designate any day
21 or other period as to which such employee wishes to use
22 paid parental leave described 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) 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 section
15 shall be considered to require—

16 “(A) that an employing office provide paid
17 sick leave in any situation in which such em-
18 ploying office would not normally be required to
19 provide such leave; or

20 “(B) that a covered employee first use all
21 or any portion of the leave described in sub-
22 paragraph (B) of paragraph (2) before being al-
23 lowed to use paid parental leave described in
24 subparagraph (A) of paragraph (2).

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

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

6 “(B) if not used by the covered employee
7 before the end of the 12-month period (as re-
8 ferred to in section 102(a)(1) of the Family and
9 Medical Leave Act of 1993 (29 U.S.C.
10 2612(a)(1))) to which it relates, shall not accu-
11 mulate for any subsequent use.”.

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

16 **SEC. 4. CONFORMING AMENDMENT TO FAMILY AND MED-**
17 **ICAL LEAVE ACT FOR GAO AND LIBRARY OF**
18 **CONGRESS EMPLOYEES.**

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

22 “(3) SPECIAL RULE FOR GAO AND LIBRARY OF
23 CONGRESS EMPLOYEES.—

24 “(A) SUBSTITUTION OF PAID LEAVE.—An
25 employee of an employer described in section

1 101(4)(A)(iv) taking leave under subparagraphs
2 (A) or (B) of subsection (a)(1) may elect to
3 substitute for any such leave any paid leave
4 which is available to such employee for that
5 purpose.

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

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

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

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

21 “(i) that an employer described in sec-
22 tion 101(4)(A)(iv) provide paid sick leave
23 in any situation in which such employer
24 would not normally be required to provide
25 such leave; or

1 “(ii) that an employee of such an em-
2 ployer first use all or any portion of the
3 leave described in clause (ii) of subpara-
4 graph (B) before being allowed to use paid
5 parental leave described in clause (i) of
6 such subparagraph.

7 “(D) ADDITIONAL RULES.—Paid parental
8 leave under subparagraph (B)(i)—

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

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

18 **SEC. 5. STUDY.**

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

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

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

10 (2) a serious health condition affecting the em-
11 ployee that renders such employee unable to perform
12 the functions of the employee’s position.

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

15 (1) A brief description of any plans or arrange-
16 ments under which similar benefits are currently
17 provided to employees in this country (within the
18 private sector or State or local government) or in
19 other countries.

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

23 (A) the portion or percentage of wages
24 typically replaced;

1 (B) how those benefits are generally fund-
2 ed, including in terms of the employer and em-
3 ployee shares;

4 (C) whether employee coverage is optional
5 or automatic; and

6 (D) any waiting period or other conditions
7 which may apply.

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

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