

110TH CONGRESS
2D SESSION

H. R. 5781

IN THE SENATE OF THE UNITED STATES

JUNE 20 (legislative day, JUNE 19), 2008

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Employees
3 Paid Parental Leave Act of 2008”.

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 or” and inserting “subparagraph (C) or”; and

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

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

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

18 “(A) subject to paragraph (6), 4 administrative
19 workweeks of paid parental leave under this sub-
20 paragraph in connection with the birth or placement
21 involved; and

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

24 “(4) Nothing in this subsection shall be considered
25 to require that an employee first use all or any portion
26 of the leave described in subparagraph (B) of paragraph

1 (3) before being allowed to use the paid parental leave de-
2 scribed in subparagraph (A) of paragraph (3).

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

4 “(A) shall be payable from any appropriation or
5 fund available for salaries or expenses for positions
6 within the employing agency;

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

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

14 “(6) The Director of the Office of Personnel Manage-
15 ment—

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

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

1 “(ii) the cost to the Federal Government of
 2 increasing the amount of paid parental leave
 3 that is available to employees;

4 “(iii) trends in the private sector and in
 5 State and local governments with respect to of-
 6 fering paid parental leave;

7 “(iv) the Federal Government’s role as a
 8 model employer; and

9 “(v) 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) and
3 (B) of such Act to covered employees, subsection (d)
4 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.

Passed the House of Representatives June 19, 2008.

Attest: LORRAINE C. MILLER,
Clerk.