

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 626) 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

JUNE 3, 2009.—Referred to the House Calendar and ordered to be printed

Mr. CARDOZA, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 501]

The Committee on Rules, having had under consideration House Resolution 501, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 626, the Federal Employees Paid Parental Leave Act of 2009, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform. The resolution waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The resolution provides that the bill shall be considered as read. The resolution waives all points of order against provisions in the bill. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure).

The resolution makes in order only those amendments printed in this report. The amendments made in order may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. All points of order against the amendments except for clauses 9 and 10 of Rule XXI are waived. The resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

Although the rule waives all points of order against consideration of the bill (except for clauses 9 and 10 of rule XXI) and waives all points of order against the provisions in the bill, the Committee is not aware of any points of order. The waivers of all points of order are prophylactic.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 105

Date: June 3, 2009.

Measure: H.R. 626.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Schock, Aaron (IL), #5, which would make a federal employee ineligible for the 4 weeks of paid parental leave if the Federal employee has a tax lien placed against them.

Results: Defeated 3–7.

Vote by Members: McGovern—Nay; Hastings—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Dreier—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

Rules Committee record vote No. 106

Date: June 3, 2009.

Measure: H.R. 626.

Motion by: Dr. Foxx.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Lee, Christopher (NY), #4, which would not allow the legislation to take effect until the national unemployment rate reaches 4% or lower and that no state has an unemployment rate over 7%.

Results: Defeated 3–7.

Vote by Members: McGovern—Nay; Hastings—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Dreier—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

SUMMARY OF AMENDMENTS TO BE MADE IN ORDER

(Summaries derived from information provided by sponsors.)

1. Issa (CA) Would require employees to use all accrued leave before receiving additional paid parental leave and would require additional paid parental leave to be treated as a repayable advance. (10 minutes)

2. Green, Al (TX) Would direct the Office of Personnel Management to take into consideration the impact of increased paid parental leave on lower-income and economically disadvantaged employees and their children when evaluating whether to promulgate regulations increasing the amount of paid parental leave offered to federal employees. (10 minutes)

3. Bright (AL) Would clarify that federal employees (including those in the executive branch, legislative branch, Library of Con-

gress, and GAO) who are called into active duty as members of the National Guard or Reserves will be allowed to count the time of that service towards their total time of employment, for purposes of receiving benefits created in the underlying bill. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER UNDER THE RULE

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ISSA OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, strike lines 9 through 13 and insert the following:

“(4) Notwithstanding any other provision of this section, an employee may not use any paid parental leave described in paragraph (3)(A), in connection with a birth or placement, until such employee has exhausted all annual and sick leave which, as of the date of such birth or placement—

“(A) has been accrued or accumulated by such employee under subchapter I; and

“(B) may, under applicable provisions of law, rule, or regulation, be used for the purpose involved.

Page 6, strike lines 17 through 22 and insert the following:

“(3) LIMITATION.—Notwithstanding any other provision of this section, an employee may not use any paid parental leave described in paragraph (2)(A), in connection with a birth or placement, until such employee has exhausted all annual, sick, and other paid leave which, as of the date of such birth or placement—

“(A) has been accrued or accumulated by such employee under a formal leave system; and

“(B) may, under applicable provisions of such leave system, be used for the purpose involved.

Page 8, strike lines 18 through 24 and insert the following:

“(C) LIMITATION.—Notwithstanding any other provision of this section, an employee may not use paid parental leave described in subparagraph (B)(i), in connection with a birth or placement, until such employee has exhausted all annual and sick leave which, as of the date of such birth or placement—

“(i) has been accrued or accumulated by such employee under subchapter I of chapter 63 of title 5, United States Code; and

“(ii) may, under applicable provisions of law, rule, or regulation, be used for the purpose involved.

Page 9, after line 15, add the following:

SEC. 5. ADDITIONAL PAID PARENTAL LEAVE TO BE TREATED AS A REPAYABLE ADVANCE.

Notwithstanding any other provision of this Act or any amendment made by any other provision of this Act, any paid parental leave under section 6382(d)(3)(A) of title 5, United States Code (as amended by section 2), section 202(d)(2)(A) of the Congressional Accountability Act of 1995 (as amended by section 3), or section 102(d)(3)(B)(i) of the Family and Medical Leave Act of 1993 (as amended by section 4)—

(1) shall be treated as an advance of paid leave; and

(2) shall be subject to recovery by the United States to the same extent and in the same manner as any other advance of paid leave.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE AL GREEN OF TEXAS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 4, line 19, strike “and”.

Page 4, after line 19, insert the following:

“(v) the impact of increased paid parental leave on lower-income and economically disadvantaged employees and their children; and”

Page 4, line 20, strike “(v)” and insert “(vi)”.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BRIGHT OF ALABAMA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill insert the following:

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

(a) EXECUTIVE BRANCH EMPLOYEES.—For purposes of determining the eligibility of an employee who is a member of the National Guard or Reserves to take leave under paragraph (1)(A) or (B) of section 6382(a) of title 5, United States Code, or to substitute such leave pursuant to paragraph (2) of such section (as added by section 2), any service by such employee on active duty (as defined in section 6381(7) of such title) shall be counted as service as an employee for purposes of section 6381(1)(B) of such title.

(b) CONGRESSIONAL EMPLOYEES.—For purposes of determining the eligibility of a covered employee (as such term is defined in section 101(3) of the Congressional Accountability Act) who is a member of the National Guard or Reserves to take leave under subparagraph (A) or (B) of section 102(a)(1) of the Family and Medical Leave Act of 1993 (pursuant to section 202(a)(1) of the Congressional Accountability Act), or to substitute such leave pursuant to subsection (d) of section 202 of such Act (as added by section 3), any service by such employee on active duty (as defined in section 101(14) of the Family and Medical Leave Act of 1993) shall be counted as time during which such employee has been employed in an employing office for purposes of section 202(a)(2)(B) of the Congressional Accountability Act.

(c) GAO AND LIBRARY OF CONGRESS EMPLOYEES.—For purposes of determining the eligibility of an employee of the Government Accountability Office or Library of Congress who is a member of the National Guard or Reserves to take leave under subparagraph (A) or (B) of section 102(a)(1) of the Family and Medical Leave Act of 1993, or to substitute such leave pursuant to paragraph (3) of section 102(d) of such Act (as added by section 4), any service by such employee on active duty (as defined in section 101(14) of such Act) shall be counted as time during which such employee has been employed for purposes of section 101(2)(A) of such Act.