

111TH CONGRESS
1ST SESSION

H. R. 626

IN THE SENATE OF THE UNITED STATES

JUNE 8, 2009

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

AN ACT

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.

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 2009”.

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;

9 “(v) the impact of increased paid parental
10 leave on lower-income and economically dis-
11 advantaged employees and their children; and

12 “(vi) such other factors as the Director
13 considers necessary; and

14 “(B) shall prescribe any regulations necessary
15 to carry out this subsection, including, subject to
16 paragraph (4), the manner in which an employee
17 may designate any day or other period as to which
18 such employee wishes to use paid parental leave de-
19 scribed in paragraph (3)(A).”.

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

1 **SEC. 3. PAID PARENTAL LEAVE FOR CONGRESSIONAL EM-**
2 **PLOYEES.**

3 (a) AMENDMENT TO CONGRESSIONAL ACCOUNT-
4 ABILITY ACT.—Section 202 of the Congressional Account-
5 ability Act of 1995 (2 U.S.C. 1312) is amended—

6 (1) in subsection (a)(1), by adding at the end
7 the following: “In applying section 102(a)(1)(A) and
8 (B) of such Act to covered employees, subsection (d)
9 shall apply.”;

10 (2) by redesignating subsections (d) and (e) as
11 subsections (e) and (f), respectively; and

12 (3) by inserting after subsection (c) the fol-
13 lowing:

14 “(d) SPECIAL RULE FOR PAID PARENTAL LEAVE
15 FOR CONGRESSIONAL EMPLOYEES.—

16 “(1) SUBSTITUTION OF PAID LEAVE.—A cov-
17 ered employee taking leave without pay under sub-
18 paragraph (A) or (B) of section 102(a)(1) of the
19 Family and Medical Leave Act of 1993 (29 U.S.C.
20 2612(a)(1)) may elect to substitute for any such
21 leave any paid leave which is available to such em-
22 ployee for that purpose.

23 “(2) AMOUNT OF PAID LEAVE.—The paid leave
24 that is available to a covered employee for purposes
25 of paragraph (1) is—

1 “(A) the number of weeks of paid parental
2 leave in connection with the birth or placement
3 involved that correspond to the number of ad-
4 ministrative workweeks of paid parental leave
5 available to Federal employees under section
6 6382(d)(3)(A) of title 5, United States Code;
7 and

8 “(B) any additional paid vacation or sick
9 leave provided by the employing office to such
10 employee.

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

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

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

22 “(B) if not used by the covered employee
23 before the end of the 12-month period (as re-
24 ferred to in section 102(a)(1) of the Family and
25 Medical Leave Act of 1993 (29 U.S.C.

1 2612(a)(1)) to which it relates, shall not accu-
2 mulate for any subsequent use.”.

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

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

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

14 “(3) **SPECIAL RULE FOR GAO AND LIBRARY OF**
15 **CONGRESS EMPLOYEES.**—

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

23 “(B) **AMOUNT OF PAID LEAVE.**—The paid
24 leave that is available to an employee of an em-

1 employer described in section 101(4)(A)(iv) for
2 purposes of subparagraph (A) is—

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

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

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

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

21 “(i) shall be payable from any appro-
22 priation or fund available for salaries or
23 expenses for positions with the employer
24 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

1 during which such employee has been employed for pur-
2 poses of section 101(2)(A) of such Act.

Passed the House of Representatives June 4, 2009.

Attest: LORRAINE C. MILLER,
Clerk.