

# Union Calendar No. 59

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 626

**[Report No. 111–116, Part I]**

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.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 22, 2009

Mrs. MALONEY (for herself, Mr. DAVIS of Illinois, Mr. WOLF, Mr. HOYER, Mr. CLAY, Mr. TOWNS, Ms. DELAURO, Mr. VAN HOLLEN, Ms. SCHAKOWSKY, Mr. MORAN of Virginia, Mr. SARBANES, Mr. KUCINICH, Mr. GEORGE MILLER of California, Mr. CUMMINGS, Mr. FATTAH, Mr. FILNER, Ms. MCCOLLUM, Ms. WOOLSEY, and Mr. LYNCH) 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

MAY 18, 2009

Reported from the Committee on Oversight and Government Reform

MAY 18, 2009

Additional sponsors: Mr. RUPPERSBERGER, Mr. CONNOLLY of Virginia, Mr. ROTHMAN of New Jersey, Mr. GONZALEZ, Ms. JACKSON-LEE of Texas, Mr. ELLISON, Mr. PALLONE, Mr. GRIJALVA, Ms. ZOE LOFGREN of California, Mr. ISRAEL, Mrs. MCCARTHY of New York, Mr. CONYERS, Mr. LATOURETTE, Mr. AL GREEN of Texas, Mr. TIM MURPHY of Pennsylvania, Ms. MATSUI, Mr. STARK, Mr. CARNAHAN, Mr. SCOTT of Virginia, Mr. SCHIFF, Mr. CARSON of Indiana, Mr. BISHOP of New York, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. SERRANO, Mr. SESTAK, Mr. MOORE of Kansas, Ms. CLARKE, Mr. RUSH, Mr. LEWIS of Georgia, Mr. PAYNE, Mrs. LOWEY, Ms. CORRINE BROWN of Florida, Ms. NORTON, Mr. PASTOR of Arizona, Mr. PRICE of North Carolina, Mr. NADLER of New York, and Ms. SUTTON

MAY 18, 2009

The Committee on House Administration discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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## A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Federal Employees  
5 Paid Parental Leave Act of 2009”.

6 **SEC. 2. PAID PARENTAL LEAVE UNDER TITLE 5.**

7       (a) AMENDMENT TO TITLE 5.—Subsection (d) of sec-  
8 tion 6382 of title 5, United States Code, is amended—

9           (1) by redesignating such subsection as sub-  
10 section (d)(1);

11           (2) by striking “subparagraph (A), (B), (C),  
12 or” and inserting “subparagraph (C) or”; and

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

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

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

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

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

9       “(4) Nothing in this subsection shall be considered  
10 to require that an employee first use all or any portion  
11 of the leave described in subparagraph (B) of paragraph  
12 (3) before being allowed to use the paid parental leave de-  
13 scribed in subparagraph (A) of paragraph (3).

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

15           “(A) shall be payable from any appropriation or  
16 fund available for salaries or expenses for positions  
17 within the employing agency;

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

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

1       “(6) The Director of the Office of Personnel Manage-  
2 ment—

3               “(A) may promulgate regulations to increase  
4 the amount of paid parental leave available to an  
5 employee under paragraph (3)(A), to a total of not  
6 more than 8 administrative workweeks, based on the  
7 consideration of—

8               “(i) the benefits provided to the Federal  
9 Government of offering increased paid parental  
10 leave, including enhanced recruitment and re-  
11 tention of employees;

12               “(ii) the cost to the Federal Government of  
13 increasing the amount of paid parental leave  
14 that is available to employees;

15               “(iii) trends in the private sector and in  
16 State and local governments with respect to of-  
17 fering paid parental leave;

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

20               “(v) such other factors as the Director  
21 considers necessary; and

22               “(B) shall prescribe any regulations necessary  
23 to carry out this subsection, including, subject to  
24 paragraph (4), the manner in which an employee  
25 may designate any day or other period as to which

1 such employee wishes to use paid parental leave de-  
2 scribed in paragraph (3)(A).”.

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. 3. PAID PARENTAL LEAVE FOR CONGRESSIONAL EM-**  
8 **PLOYEES.**

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

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

16 (2) by redesignating subsections (d) and (e) as  
17 subsections (e) and (f), respectively; and

18 (3) by inserting after subsection (c) the fol-  
19 lowing:

20 “(d) **SPECIAL RULE FOR PAID PARENTAL LEAVE**  
21 **FOR CONGRESSIONAL EMPLOYEES.**—

22 “(1) **SUBSTITUTION OF PAID LEAVE.**—A cov-  
23 ered employee taking leave without pay under sub-  
24 paragraph (A) or (B) of section 102(a)(1) of the  
25 Family and Medical Leave Act of 1993 (29 U.S.C.

1       2612(a)(1)) may elect to substitute for any such  
2       leave any paid leave which is available to such em-  
3       ployee for that purpose.

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

7                       “(A) the number of weeks of paid parental  
8       leave in connection with the birth or placement  
9       involved that correspond to the number of ad-  
10      ministrative workweeks of paid parental leave  
11      available to Federal employees under section  
12      6382(d)(3)(A) of title 5, United States Code;  
13      and

14                      “(B) any additional paid vacation or sick  
15      leave provided by the employing office to such  
16      employee.

17               “(3) LIMITATION.—Nothing in this subsection  
18      shall be considered to require that an employee first  
19      use all or any portion of the leave described in sub-  
20      paragraph (B) of paragraph (2) before being allowed  
21      to use the paid parental leave described in subpara-  
22      graph (A) of paragraph (2).

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

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

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

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

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

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

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

23           “(A) SUBSTITUTION OF PAID LEAVE.—An  
24           employee of an employer described in section  
25           101(4)(A)(iv) taking leave under subparagraph

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

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

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

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

18 “(C) LIMITATION.—Nothing in this para-  
19 graph shall be considered to require that an  
20 employee first use all or any portion of the  
21 leave described in clause (ii) of subparagraph  
22 (B) before being allowed to use the paid paren-  
23 tal leave described in clause (i) of such subpara-  
24 graph.



1           “(D) ADDITIONAL RULES.—Paid parental  
2           leave under subparagraph (B)(i)—

3                   “(i) shall be payable from any appro-  
4                   priation or fund available for salaries or  
5                   expenses for positions with the employer  
6                   described in section 101(4)(A)(iv); and

7                   “(ii) if not used by the employee of  
8                   such employer before the end of the 12-  
9                   month period (as referred to in subsection  
10                  (a)(1)) to which it relates, shall not accu-  
11                  mulate for any subsequent use.”.

12           (b) EFFECTIVE DATE.—The amendment 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.

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11<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

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