

112TH CONGRESS  
1ST SESSION

# H. R. 616

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

FEBRUARY 10, 2011

Mrs. MALONEY (for herself, Ms. NORTON, Mr. CONNOLLY of Virginia, Mr. HOYER, Mr. GRIJALVA, Mr. CONYERS, Mr. SERRANO, Mr. STARK, Mr. AL GREEN of Texas, Mr. VAN HOLLEN, Mr. FRANK of Massachusetts, Mr. FILNER, Mr. LANGEVIN, Ms. MOORE, Mr. MCGOVERN, 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

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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 2011”.

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

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

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

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

1           “(A) shall be payable from any appropriation or  
2 fund available for salaries or expenses for positions  
3 within the employing agency;

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

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

11          “(6) The Director of the Office of Personnel Manage-  
12 ment—

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

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

22           “(ii) the cost to the Federal Government of  
23 increasing the amount of paid parental leave  
24 that is available to employees;

1 “(iii) trends in the private sector and in  
2 State and local governments with respect to of-  
3 fering paid parental leave;

4 “(iv) the Federal Government’s role as a  
5 model employer;

6 “(v) the impact of increased paid parental  
7 leave on lower-income and economically dis-  
8 advantaged employees and their children; and

9 “(vi) 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)  
3 and (B) of such Act to covered employees, sub-  
4 section (d) 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.

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

7 (a) EXECUTIVE BRANCH EMPLOYEES.—For pur-  
8 poses of determining the eligibility of an employee who is  
9 a member of the National Guard or Reserves to take leave  
10 under paragraph (1) (A) or (B) of section 6382(a) of title  
11 5, United States Code, or to substitute such leave pursu-  
12 ant to paragraph (2) of such section (as added by section  
13 2), any service by such employee on active duty (as defined  
14 in section 6381(7) of such title) shall be counted as service  
15 as an employee for purposes of section 6381(1)(B) of such  
16 title.

17 (b) CONGRESSIONAL EMPLOYEES.—For purposes of  
18 determining the eligibility of a covered employee (as such  
19 term is defined in section 101(3) of the Congressional Ac-  
20 countability Act) who is a member of the National Guard  
21 or Reserves to take leave under subparagraph (A) or (B)  
22 of section 102(a)(1) of the Family and Medical Leave Act  
23 of 1993 (pursuant to section 202(a)(1) of the Congres-  
24 sional Accountability Act), or to substitute such leave pur-  
25 suant to subsection (d) of section 202 of such Act (as

1 added by section 3), any service by such employee on ac-  
2 tive duty (as defined in section 101(14) of the Family and  
3 Medical Leave Act of 1993) shall be counted as time dur-  
4 ing which such employee has been employed in an employ-  
5 ing office for purposes of section 202(a)(2)(B) of the Con-  
6 gressional Accountability Act.

7 (c) GAO AND LIBRARY OF CONGRESS EMPLOY-  
8 EES.—For purposes of determining the eligibility of an  
9 employee of the Government Accountability Office or Li-  
10 brary of Congress who is a member of the National Guard  
11 or Reserves to take leave under subparagraph (A) or (B)  
12 of section 102(a)(1) of the Family and Medical Leave Act  
13 of 1993, or to substitute such leave pursuant to paragraph  
14 (3) of section 102(d) of such Act (as added by section  
15 4), any service by such employee on active duty (as defined  
16 in section 101(14) of such Act) shall be counted as time  
17 during which such employee has been employed for pur-  
18 poses of section 101(2)(A) of such Act.

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