

111TH CONGRESS  
1ST SESSION

# H. R. 626

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IN THE SENATE OF THE UNITED STATES

JUNE 8, 2009

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

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## 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.*