

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5781

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IN THE SENATE OF THE UNITED STATES

JUNE 20 (legislative day, JUNE 19), 2008

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

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## AN ACT

To provide that 8 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 2008”.

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           (1) in subsection (a)(1), by adding at the end  
2 the following: “In applying section 102(a)(1)(A) and  
3 (B) of such Act to covered employees, subsection (d)  
4 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.

Passed the House of Representatives June 19, 2008.

Attest: LORRAINE C. MILLER,  
*Clerk.*