

115TH CONGRESS
2D SESSION

H. R. 6275

To provide that the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2018

Mrs. COMSTOCK 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

A BILL

To provide that 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 2018”.

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—

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

3 (2) by striking “subparagraph (A), (B), (C),”
4 and inserting “subparagraph (C),”; and

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

6 “(2) An employee may elect to substitute for
7 any leave without pay under subparagraph (A) or
8 (B) of subsection (a)(1) any paid leave which is
9 available to such employee for that purpose.

10 “(3) The paid leave that is available to an em-
11 ployee for purposes of paragraph (2) is—

12 “(A) subject to paragraph (6), 12 adminis-
13 trative workweeks of paid parental leave under
14 this subparagraph in connection with the birth
15 or placement involved; and

16 “(B) any annual or sick leave accrued or
17 accumulated by such employee under sub-
18 chapter I.

19 “(4) Nothing in this subsection shall be consid-
20 ered to require that an employee first use all or any
21 portion of the leave described in paragraph (3)(B)
22 before being allowed to use the paid parental leave
23 described in paragraph (3)(A).

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

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

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

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

11 “(6) The Director of the Office of Personnel
12 Management—

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

18 “(i) the benefits provided to the Fed-
19 eral Government of offering increased paid
20 parental leave, including enhanced recruit-
21 ment and retention of employees;

22 “(ii) the cost to the Federal Govern-
23 ment of increasing the amount of paid pa-
24 rental leave that is available to employees;

1 “(iii) trends in the private sector and
2 in State and local governments with re-
3 spect to offering paid parental leave;

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

6 “(v) the impact of increased paid pa-
7 rental leave on lower-income and economi-
8 cally disadvantaged employees and their
9 children; and

10 “(vi) such other factors as the Direc-
11 tor considers necessary; and

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

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

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

3 (a) AMENDMENTS 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)
8 and (B) of such Act to covered employees, sub-
9 section (d) 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 para-
14 graph (2)(B) before being allowed to use the paid
15 parental leave described in paragraph (2)(A).

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

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

21 “(B) if not used by the covered employee
22 before the end of the 12-month period (as re-
23 ferred to in section 102(a)(1) of the Family and
24 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 EMPLOYEES.**

9 (a) **TREATMENT OF GAO EMPLOYEES.**—

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

14 “(3) **SPECIAL RULE FOR GAO.**—

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

22 “(B) **AMOUNT OF PAID LEAVE.**—The paid
23 leave that is available to an employee of an em-
24 ployer described in section 101(4)(A)(iv) for
25 purposes of subparagraph (A) is—

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

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

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

16 “(D) ADDITIONAL RULES.—Paid parental
17 leave under subparagraph (B)(i)—

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

22 “(ii) if not used by the employee of
23 such employer before the end of the 12-
24 month period (as referred to in subsection

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

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

8 (b) ADDITIONAL CONFORMING AMENDMENT RELAT-
9 ING TO LIBRARY OF CONGRESS EMPLOYEES.—

10 (1) IN GENERAL.—Section 101(4)(A)(iv) of
11 such Act (29 U.S.C. 2611(4)(A)(iv)) is amended by
12 striking “and the Library of Congress”.

13 (2) EFFECTIVE DATE.—The amendment made
14 by this subsection shall take effect as if included in
15 the enactment of the Legislative Branch Appropria-
16 tions Act, 2018 (Public Law 115–141).

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

19 (a) EXECUTIVE BRANCH EMPLOYEES.—For pur-
20 poses of determining the eligibility of an employee who is
21 a member of the National Guard or Reserves to take leave
22 under paragraph (1) (A) or (B) of section 6382(a) of title
23 5, United States Code, or to substitute such leave pursu-
24 ant to paragraph (2) of such section (as added by section
25 2), any service by such employee on active duty (as defined

1 in section 6381(7) of such title) shall be counted as service
2 as an employee for purposes of section 6381(1)(B) of such
3 title.

4 (b) CONGRESSIONAL EMPLOYEES.—For purposes of
5 determining the eligibility of a covered employee (as such
6 term is defined in section 101(3) of the Congressional Ac-
7 countability Act) who is a member of the National Guard
8 or Reserves to take leave under subparagraph (A) or (B)
9 of section 102(a)(1) of the Family and Medical Leave Act
10 of 1993 (pursuant to section 202(a)(1) of the Congres-
11 sional Accountability Act), or to substitute such leave pur-
12 suant to subsection (d) of section 202 of such Act (as
13 added by section 3), any service by such employee on ac-
14 tive duty (as defined in section 101(14) of the Family and
15 Medical Leave Act of 1993) shall be counted as time dur-
16 ing which such employee has been employed in an employ-
17 ing office for purposes of section 202(a)(2)(B) of the Con-
18 gressional Accountability Act.

19 (c) GAO EMPLOYEES.—For purposes of determining
20 the eligibility of an employee of the Government Account-
21 ability Office who is a member of the National Guard or
22 Reserves to take leave under subparagraph (A) or (B) of
23 section 102(a)(1) of the Family and Medical Leave Act
24 of 1993, or to substitute such leave pursuant to paragraph
25 (3) of section 102(d) of such Act (as added by section

1 4), any service by such employee on active duty (as defined
2 in section 101(14) of such Act) shall be counted as time
3 during which such employee has been employed for pur-
4 poses of section 101(2)(A) of such Act.

5 **SEC. 6. CONFORMING AMENDMENT FOR CERTAIN TSA EM-**
6 **PLOYEES.**

7 Section 111(d)(2) of the Aviation and Transportation
8 Security Act (49 U.S.C. 44935 note) is amended to read
9 as follows:

10 “(2) EXCEPTIONS.—

11 “(A) REEMPLOYMENT.—In carrying out
12 the functions authorized under paragraph (1),
13 the Under Secretary shall be subject to the pro-
14 visions set forth in chapter 43 of title 38,
15 United States Code.

16 “(B) LEAVE.—The provisions of section
17 6382(a)(1)(A) and (B) of title 5, United States
18 Code, and subsection (d)(2) through (6) of such
19 section, shall apply to any individual appointed
20 under paragraph (1).”.

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