

116TH CONGRESS
1ST SESSION

H. R. 1534

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2019

Mrs. CAROLYN B. MALONEY of New York (for herself, Ms. NORTON, Ms. PINGREE, Mr. CUMMINGS, Mr. CONNOLLY, Ms. BONAMICI, Mr. DESAULNIER, Mrs. BEATTY, Ms. WEXTON, Mr. HOYER, and Mr. BEYER) introduced the following bill; which was referred to the Committee on Oversight and 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 12 weeks of family 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 Employee Paid
5 Leave Act”.

1 **SEC. 2. PAID FAMILY LEAVE FOR FEDERAL EMPLOYEES**
2 **COVERED BY TITLE 5.**

3 (a) IN GENERAL.—Subsection (c) of section 6382 of
4 title 5, United States Code, is amended to read as follows:

5 “(c)(1) Leave granted under subsection (a) shall be
6 paid leave.

7 “(2)(A) An employee may elect to substitute for any
8 leave under such subsection any other paid leave which
9 is available to such employee for that purpose.

10 “(B) Subparagraph (A) shall not be construed to re-
11 quire that an employee first use all or any portion of the
12 other paid leave described in such subparagraph before
13 being allowed to use leave under subsection (a).

14 “(3) Leave under subsection (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.

25 “(4) The Director of the Office of Personnel Manage-
26 ment—

1 “(A) may promulgate regulations to increase
2 the amount of leave available to an employee under
3 subsection (a) to a total of not more than 16 admin-
4 istrative workweeks, based on the consideration of—

5 “(i) the benefits provided to the Federal
6 Government of increasing such leave, including
7 enhanced recruitment and retention of employ-
8 ees;

9 “(ii) the cost to the Federal Government of
10 increasing the amount of such leave that is
11 available to employees;

12 “(iii) trends in the private sector and in
13 State and local governments with respect to of-
14 fering such leave;

15 “(iv) the Federal Government’s role as a
16 model employer;

17 “(v) the impact of increased leave under
18 subsection (a) on lower-income and economi-
19 cally disadvantaged employees and their chil-
20 dren; and

21 “(vi) such other factors as the Director
22 considers necessary; and

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

1 period as to which such employee wishes to use leave
 2 under subsection (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 FAMILY LEAVE FOR CONGRESSIONAL EM-**
 8 **PLOYEES.**

9 (a) **AMENDMENTS 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) of such
 14 Act to covered employees, subsection (d) shall
 15 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 FAMILY LEAVE FOR**
 21 **CONGRESSIONAL EMPLOYEES.**—

22 “(1) **IN GENERAL.**—Any leave taken by a cov-
 23 ered employee under section 102(a)(1) of the Family
 24 and Medical Leave Act of 1993 (29 U.S.C.
 25 2612(a)(1)) shall be paid leave.

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

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

11 “(B) any additional paid vacation or sick
12 leave provided by the employing office to such
13 employee.

14 “(3) SUBSTITUTION.—An employee may elect
15 to substitute for any leave under such section
16 102(a)(1) any other paid leave which is available to
17 such employee for that purpose. The previous sen-
18 tence shall not be construed to require that an em-
19 ployee first use all or any portion of the other paid
20 leave before being allowed to use the paid family
21 leave described in this subsection.

22 “(4) ADDITIONAL RULES.—Paid family leave
23 under this subsection—

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 EMPLOYEES.**

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

20 “(3) SPECIAL RULE FOR GAO EMPLOYEES.—

21 “(A) IN GENERAL.—Any leave under sub-
 22 section (a)(1) taken by an employee of the Gov-
 23 ernment Accountability Office shall be paid
 24 leave.

1 “(B) AMOUNT OF PAID LEAVE.—The paid
2 leave that is available to such an employee for
3 purposes of subparagraph (A) is—

4 “(i) the number of weeks of paid fam-
5 ily leave in connection with the birth or
6 placement involved that correspond to the
7 number of administrative workweeks of
8 paid family leave available to Federal em-
9 ployees under section 6382(d)(3)(A) of
10 title 5, United States Code; and

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

13 “(C) SUBSTITUTION.—An employee may
14 elect to substitute for any leave under sub-
15 section (a)(1) any other paid leave which is
16 available to such employee for that purpose.
17 The previous sentence shall not be construed to
18 require that an employee first use all or any
19 portion of the other paid leave before being al-
20 lowed to use the paid family leave described in
21 this subsection.

22 “(D) ADDITIONAL RULES.—Paid family
23 leave under subsection (a)(1)—

24 “(i) shall be payable from any appro-
25 priation or fund available for salaries or

1 expenses for positions with the Government
 2 Accountability Office; and

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

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

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

14 (a) EXECUTIVE BRANCH EMPLOYEES.—For pur-
 15 poses of determining the eligibility of an employee who is
 16 a member of the National Guard or Reserves to take leave
 17 under section 6382(a) of title 5, United States Code, or
 18 to substitute such leave pursuant to paragraph (2) of such
 19 section (as added by section 2), any service by such em-
 20 ployee on active duty (as defined in section 6381(7) of
 21 such title) shall be counted as service as an employee for
 22 purposes of section 6381(1)(B) of such title.

23 (b) CONGRESSIONAL EMPLOYEES.—For purposes of
 24 determining the eligibility of a covered employee (as such
 25 term is defined in section 101(3) of the Congressional Ac-

1 countability Act) who is a member of the National Guard
2 or Reserves to take leave under section 102(a)(1) of the
3 Family and Medical Leave Act of 1993 (pursuant to sec-
4 tion 202(a)(1) of the Congressional Accountability Act),
5 or to substitute such leave pursuant to subsection (d) of
6 section 202 of such Act (as added by section 3), any serv-
7 ice by such employee on active duty (as defined in section
8 101(14) of the Family and Medical Leave Act of 1993)
9 shall be counted as time during which such employee has
10 been employed in an employing office for purposes of sec-
11 tion 202(a)(2)(B) of the Congressional Accountability Act.

12 (c) GAO EMPLOYEES.—For purposes of determining
13 the eligibility of an employee of the Government Account-
14 ability Office who is a member of the National Guard or
15 Reserves to take leave under section 102(a)(1) of the
16 Family and Medical Leave Act of 1993, or to substitute
17 such leave pursuant to paragraph (3) of section 102(d)
18 of such Act (as added by section 4), any service by such
19 employee on active duty (as defined in section 101(14) of
20 such Act) shall be counted as time during which such em-
21 ployee has been employed for purposes of section
22 101(2)(A) of such Act.

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

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

6 “(2) EXCEPTIONS.—

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

12 “(B) LEAVE.—The provisions of section
13 6382(a)(1) of title 5, United States Code, and
14 subsection (c) of such section shall apply to any
15 individual appointed under paragraph (1).”.

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