

**AMENDMENT TO H.R. 5136, AS REPORTED  
OFFERED BY MRS. MALONEY OF NEW YORK**

At the end of division A, add the following new title:

1 **TITLE XVII—FEDERAL EMPLOY-**  
2 **EES PAID PARENTAL LEAVE**

Sec. 1701. Short title.

Sec. 1702. Paid parental leave under title 5.

Sec. 1703. Clarification for members of the National Guard and Reserves.

3 **SEC. 1701. SHORT TITLE.**

4 This title may be cited as the “Federal Employees  
5 Paid Parental Leave Act of 2010”.

6 **SEC. 1702. 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—

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

11 (2) by striking “subparagraph (A), (B), (C),  
12 or” and inserting “subparagraph (C) or”; and

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

14 “(2) An employee may elect to substitute for any  
15 leave without pay under subparagraph (A) or (B) of sub-  
16 section (a)(1) any paid leave which is available to such  
17 employee for that purpose.

1       “(3) The paid leave that is available to an employee  
2 for purposes of paragraph (2) is—

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

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

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

14       “(5) Paid parental leave under paragraph (3)(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.

1       “(6) The Director of the Office of Personnel Manage-  
2 ment—

3           “(A) may promulgate regulations to increase  
4 the amount of paid parental leave available to an  
5 employee under paragraph (3)(A), to a total of not  
6 more than 8 administrative workweeks, based on the  
7 consideration of—

8           “(i) the benefits provided to the Federal  
9 Government of offering increased paid parental  
10 leave, including enhanced recruitment and re-  
11 tention of employees;

12           “(ii) the cost to the Federal Government of  
13 increasing the amount of paid parental leave  
14 that is available to employees;

15           “(iii) trends in the private sector and in  
16 State and local governments with respect to of-  
17 fering paid parental leave;

18           “(iv) the Federal Government’s role as a  
19 model employer;

20           “(v) the impact of increased paid parental  
21 leave on lower-income and economically dis-  
22 advantaged employees and their children; and

23           “(vi) such other factors as the Director  
24 considers necessary; and



1 countability Act) who is a member of the National Guard  
2 or Reserves to take leave under subparagraph (A) or (B)  
3 of section 102(a)(1) of the Family and Medical Leave Act  
4 of 1993 (pursuant to section 202(a)(1) of the Congres-  
5 sional Accountability Act), or to substitute such leave pur-  
6 suant to subsection (d) of section 202 of such Act (as  
7 added by section 1703), any service by such employee on  
8 active duty (as defined in section 101(14) of the Family  
9 and Medical Leave Act of 1993) shall be counted as time  
10 during which such employee has been employed in an em-  
11 ploying office for purposes of section 202(a)(2)(B) of the  
12 Congressional Accountability Act.

13 (c) GAO AND LIBRARY OF CONGRESS EMPLOY-  
14 EES.—For purposes of determining the eligibility of an  
15 employee of the Government Accountability Office or Li-  
16 brary of Congress who is a member of the National Guard  
17 or Reserves to take leave under subparagraph (A) or (B)  
18 of section 102(a)(1) of the Family and Medical Leave Act  
19 of 1993, or to substitute such leave pursuant to paragraph  
20 (3) of section 102(d) of such Act (as added by section  
21 1704), any service by such employee on active duty (as  
22 defined in section 101(14) of such Act) shall be counted  
23 as time during which such employee has been employed  
24 for purposes of section 101(2)(A) of such Act.

