

117TH CONGRESS
1ST SESSION

S. 1158

To provide paid family and medical leave to Federal employees, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 15, 2021

Mr. SCHATZ (for himself, Mr. VAN HOLLEN, Mr. MENENDEZ, and Ms. DUCKWORTH) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To provide paid family and medical leave to Federal employees, 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 “Comprehensive Paid
5 Leave for Federal Employees Act”.

6 **SEC. 2. PAID FAMILY AND MEDICAL LEAVE FOR FEDERAL**
7 **EMPLOYEES COVERED BY TITLE 5.**

8 Chapter 63 of title 5, United States Code, is amend-
9 ed—

1 (1) in section 6381, by amending paragraph
2 (1)(B) to read as follows:

3 “(B) has completed at least 12 months of
4 service—

5 “(i) as an employee covered by sub-
6 paragraph (A), or with the United States
7 Postal Service, the Postal Regulatory Com-
8 mission, or a nonappropriated fund instru-
9 mentality as described in section 2105(c);
10 or

11 “(ii) on covered active duty as a mem-
12 ber of the National Guard or Reserves that
13 interrupts service described in clause (i);”;
14 and

15 (2) in section 6382—

16 (A) in subsection (a)—

17 (i) in paragraph (1)—

18 (I) in the matter preceding sub-
19 paragraph (A), by striking “12 ad-
20 ministrative workweeks of leave” and
21 inserting “12 administrative work-
22 weeks of leave plus, if applicable, any
23 additional period of leave used under
24 subsection (d)(2)(B)(ii)”;

1 (II) in subparagraph (B), by in-
 2 serting “and in order to care for such
 3 son or daughter” before the period;

4 (ii) by amending paragraph (2) to
 5 read as follows:

6 “(2)(A) The entitlement to leave under subparagraph
 7 (A) or (B) of paragraph (1) shall commence on the date
 8 of the birth or placement of a son or daughter and shall
 9 expire at the end of the 12-month period beginning on the
 10 date of such birth or placement.

11 “(B) Notwithstanding subparagraph (A), the entitle-
 12 ment to leave under paragraph (1)(B) in connection with
 13 adoption may commence prior to the placement of the son
 14 or daughter to be adopted, for activities necessary to allow
 15 the adoption to proceed.”; and

16 (iii) in paragraph (4)—

17 (I) by striking “Subject to sub-
 18 section (d)(2), during” and inserting
 19 “During”; and

20 (II) by inserting “(or 26 adminis-
 21 trative workweeks of leave plus, if ap-
 22 plicable, any additional period of leave
 23 used under subsection (d)(2)(B)(ii))”
 24 after “26 administrative workweeks of
 25 leave”; and

1 (B) in subsection (d)—

2 (i) in paragraph (1), by striking the
3 first sentence; and

4 (ii) in paragraph (2)—

5 (I) in subparagraph (A), by strik-
6 ing “subparagraph (A) or (B)” and
7 inserting “any of subparagraphs (A)
8 through (E)”;

9 (II) by striking “parental” each
10 place it appears and inserting “family
11 and medical”;

12 (III) in subparagraph (B)(i), by
13 striking “birth or placement involved”
14 and inserting “event giving rise to
15 such leave”;

16 (IV) by amending subparagraph
17 (E) to read as follows:

18 “(E) Nothing in this paragraph shall be construed
19 to modify the service requirement in section 6381(1)(B).”;

20 (V) in subparagraph (F)(i)—

21 (aa) by striking “An em-
22 ployee” and inserting “With re-
23 spect to leave described under
24 subparagraph (A) or (B) of sub-
25 section (a)(1), an employee”; and

1 (bb) by striking “a period of
 2 12 weeks” and inserting “a pe-
 3 riod equal to the period of leave
 4 taken under subparagraph
 5 (B)(i)”; and
 6 (VI) by adding at the end the fol-
 7 lowing:

8 “(H) Notwithstanding subparagraph (B)(i), with re-
 9 spect to any employee who received paid leave (for a pur-
 10 pose described in subsection (a)(1) and for an event giving
 11 rise to such leave) under any other provision of law, and
 12 who becomes subject to this section during the period of
 13 eligibility for paid leave under this section with respect to
 14 such event, any paid leave for such event provided by this
 15 section shall be reduced by the total number of days of
 16 paid leave taken by such employee under such other provi-
 17 sion of law.”.

18 **SEC. 3. CONGRESSIONAL EMPLOYEES UNDER THE CON-**
 19 **GRESSIONAL ACCOUNTABILITY ACT OF 1995.**

20 Section 202 of the Congressional Accountability Act
 21 of 1995 (2 U.S.C. 1312) is amended—

22 (1) in subsection (a)—

23 (A) in paragraph (1)—

24 (i) in the second sentence, by striking
 25 “subsection (a)(1)(A) or (B)” and insert-

ing “any of subparagraphs (A) through (E) of subsection (a)(1)”; and

(ii) by striking the third sentence and inserting the following: “For purposes of applying section 102 of such Act, in the case of leave that includes leave under any of subparagraphs (A) through (E) of subsection (a)(1) of that section, the covered employee shall be entitled to 12 workweeks of leave plus, if applicable, any additional period of leave used under subsection (d)(2)(B). For purposes of applying section 102(a)(4) of such Act, a covered employee is entitled, under paragraphs (1) and (3) of section 102(a) of such Act, to a combined total of 26 workweeks of leave plus, if applicable, any additional period of leave used under subsection (d)(2)(B) of this section.”; and

(B) in paragraph (2), in the last sentence, by striking “subparagraph (A) or (B)” and inserting “any of subparagraphs (A) through (E)”; and

(2) in subsection (d)—

1 (A) in the subsection heading, by striking
 2 “PARENTAL LEAVE” and inserting “FAMILY
 3 AND MEDICAL LEAVE”;

4 (B) in paragraph (1), by striking “sub-
 5 paragraph (A) or (B)” and inserting “any of
 6 subparagraphs (A) through (E)”;

7 (C) by striking “parental” each place it
 8 appears and inserting “family and medical”;
 9 and

10 (D) in paragraph (2)(A), by striking “birth
 11 or placement involved” and inserting “event
 12 giving rise to such leave”.

13 **SEC. 4. GAO, LIBRARY OF CONGRESS, POSTAL SERVICE,**
 14 **AND POSTAL REGULATORY COMMISSION EM-**
 15 **PLOYEES.**

16 The Family and Medical Leave Act of 1993 (29
 17 U.S.C. 2612) is amended—

18 (1) in section 101(2)(E)—

19 (A) in the subparagraph heading, by in-
 20 serting “, USPS, AND POSTAL REGULATORY
 21 COMMISSION” after “GAO”;

22 (B) by inserting “, the United States Post-
 23 al Service, or the Postal Regulatory Commis-
 24 sion” after “Government Accountability Of-
 25 fice”; and

1 (C) by striking “section 102(a)(1)(A) or
 2 (B)” and inserting “any of subparagraphs (A)
 3 through (E) of section 102(a)(1)”;
 4 (2) in section 102(a)—

5 (A) in paragraph (1)(B), by inserting “and
 6 in order to care for such son or daughter” be-
 7 fore the period;

8 (B) in paragraph (4), by striking “sub-
 9 section (d)(3)” and inserting “subsection (d)”;
 10 and

11 (C) by adding at the end the following:

12 “(6) SPECIAL RULES ON PERIOD OF LEAVE.—

13 With respect to an employee of the Government Ac-
 14 countability Office, the Library of Congress, the
 15 United States Postal Service, or the Postal Regu-
 16 latory Commission, for purposes of applying this sec-
 17 tion as described in paragraph (3) or (4) of sub-
 18 section (d)—

19 “(A) in the case of leave that includes
 20 leave under any of subparagraphs (A) through
 21 (E) of paragraph (1), the employee shall be en-
 22 titled to 12 workweeks of leave plus, if applica-
 23 ble, any additional period of leave used under
 24 subsection (d)(3)(B)(ii) of this section or sec-
 25 tion 202(d)(2)(B) of the Congressional Ac-

1 accountability Act of 1995 (2 U.S.C.
2 1312(d)(2)(B)), as the case may be; and

3 “(B) for the purposes of paragraph (4),
4 the employee is entitled, under paragraphs (1)
5 and (3), to a combined total of 26 workweeks
6 of leave plus, if applicable, any additional pe-
7 riod of leave used under subsection (d)(3)(B)(ii)
8 of this section or section 202(d)(2)(B) of the
9 Congressional Accountability Act of 1995 (2
10 U.S.C. 1312(d)(2)(B)), as the case may be.”;
11 and

12 (3) in section 102(d)(3)—

13 (A) in the paragraph heading, by inserting
14 “, USPS, AND POSTAL REGULATORY COMMIS-
15 SION” after “GAO”;

16 (B) by striking “the Government Account-
17 ability Office” each place it appears and insert-
18 ing “the Government Accountability Office, the
19 United States Postal Service, or the Postal
20 Regulatory Commission”;

21 (C) by striking “parental” each place it
22 appears and inserting “family and medical”;

23 (D) in subparagraph (A), by striking “sub-
24 paragraph (A) or (B)” and inserting “any of
25 subparagraphs (A) through (E)”; and

1 (E) in subparagraph (B)(i), by striking
2 “birth or placement involved” and inserting
3 “event giving rise to such leave”.

4 **SEC. 5. EMPLOYEES OF THE EXECUTIVE OFFICE OF THE**
5 **PRESIDENT.**

6 Section 412 of title 3, United States Code, is amend-
7 ed—

8 (1) in subsection (a)(3), by striking “subpara-
9 graph (A) or (B)” and inserting “any of subpara-
10 graphs (A) through (E)”; and

11 (2) in subsection (c), by striking “subparagraph
12 (A) or (B)” each place it appears and inserting “any
13 of subparagraphs (A) through (E)”.

14 **SEC. 6. FAA AND TSA EMPLOYEES.**

15 Section 40122(g)(5) of title 49, United States Code,
16 is amended—

17 (1) in the paragraph heading, by striking “PA-
18 RENTAL” and inserting “FAMILY AND MEDICAL”;
19 and

20 (2) by striking “parental” each place it appears
21 and inserting “family and medical”.

22 **SEC. 7. TITLE 38 EMPLOYEES.**

23 Not later than 30 days after the date of enactment
24 of this Act, the Secretary of Veterans Affairs shall modify
25 the family and medical leave program provided by oper-

1 ation of section 7425(c) of title 38, United States Code,
2 to conform with this Act and the amendments made by
3 this Act, including the amendments made to subchapter
4 V of chapter 63 of title 5, United States Code.

5 **SEC. 8. DISTRICT OF COLUMBIA COURTS AND DISTRICT OF**
6 **COLUMBIA PUBLIC DEFENDER SERVICE.**

7 (a) DISTRICT OF COLUMBIA COURTS.—Section 11–
8 1726(d), District of Columbia Official Code, is amended
9 to read as follows:

10 “(d)(1) In carrying out the Family and Medical
11 Leave Act of 1993 (29 U.S.C. 2601 et seq.) with respect
12 to nonjudicial employees of the District of Columbia
13 courts, the Joint Committee shall, notwithstanding any
14 provision of such Act, establish a paid family and medical
15 leave program for the leave described in subparagraphs
16 (A) through (E) of section 102(a)(1) of such Act (29
17 U.S.C. 2612(a)(1)).

18 “(2) In developing the terms and conditions of the
19 paid family and medical leave program under paragraph
20 (1), the Joint Committee may be guided by the terms and
21 conditions applicable to the provision of paid family and
22 medical leave for employees of the Federal Government
23 under chapter 63 of title 5, United States Code, and any
24 corresponding regulations.”.

1 (b) DISTRICT OF COLUMBIA PUBLIC DEFENDER
2 SERVICE.—Section 305(d) of the District of Columbia
3 Court Reform and Criminal Procedure Act of 1970 (sec.
4 2–1605(d), D.C. Official Code) is amended to read as fol-
5 lows:

6 “(d)(1) In carrying out the Family and Medical
7 Leave Act of 1993 (29 U.S.C. 2601 et seq.) with respect
8 to employees of the Service, the Director shall, notwith-
9 standing any provision of such Act, establish a paid family
10 and medical leave program for the leave described in sub-
11 paragraphs (A) through (E) of section 102(a)(1) of such
12 Act (29 U.S.C. 2612(a)(1)).

13 “(2) In developing the terms and conditions of the
14 paid family and medical leave program under paragraph
15 (1), the Director may be guided by the terms and condi-
16 tions applicable to the provision of paid family and medical
17 leave for employees of the Federal Government under
18 chapter 63 of title 5, United States Code, and any cor-
19 responding regulations.”.

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