AMENDMENT TO RULES COMMITTEE PRINT 116-57

OFFERED BY MRS. CAROLYN B. MALONEY OF NEW YORK

At the end of title XI, add the following (and update the table of contents accordingly):

Subtitle C—Paid Family Leave

SEC. 1131. SHORT TITLE.

This subtitle may be cited as the “Comprehensive Paid Leave for Federal Employees Act”.

SEC. 1132. PAID FAMILY AND MEDICAL LEAVE FOR FEDERAL EMPLOYEES COVERED BY TITLE 5.

Chapter 63 of title 5, United States Code, is amended—

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

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

“(i) as an employee (as defined in section 2105), and including service with the United States Postal Service, the Postal Regulatory Commission, or a non-
appropriated fund instrumentality (as described in section 2105(e)); or

“(ii) on covered active duty as a member of the National Guard or Reserves that interrupts service described in clause (i);”;

and

(2) in section 6382—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking “12 administrative workweeks of leave” and inserting “12 administrative workweeks of leave plus any additional period of leave used under subsection (d)(2)(B)(ii)”;

(II) in subparagraph (B), by inserting “and in order to care for such son or daughter” before the period;

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

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

“(B) Notwithstanding subparagraph (A), the entitlement to leave under subparagraph (B) in connection with adoption may commence prior to the placement of the son or daughter to be adopted for activities necessary to allow the adoption to proceed.”; and

(iii) in paragraph (4)—

(I) by striking “Subject to subsection (d)(2), during” and inserting “During”; and

(II) by inserting “(or 26 administrative workweeks of leave plus any additional period of leave used under subsection (d)(2)(B)(ii))” after “26 administrative workweeks of leave”;

and

(B) in subsection (d)—

(i) in paragraph (1)—

(I) by striking the first sentence;

and

(II) by striking “under subchapter I”; and

(ii) in paragraph (2)—
(I) in subparagraph (A), by striking “subparagraph (A) or (B)” and inserting “subparagraph (A) through (E)”; 

(II) by striking “leave” in each instance and inserting “family and medical leave”; 

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

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

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

(V) in subparagraph (F)(i), by striking “An employee” and inserting “With respect to leave described under subparagraph (A) or (B) of subsection (a)(1), an employee”; and 

(VI) by adding at the end the following: 

“(H) Notwithstanding paragraph (2)(B)(i), with respect to any employee who received paid
leave for an event giving rise to such leave under any other provision of law and who becomes subject to this section during the period of eligibility for paid leave under this section with respect to such event, any paid leave for such event provided by this section shall be reduced by the total number of days of paid leave taken by such employee under such other provision of law.”.

SEC. 1133. CONGRESSIONAL EMPLOYEES UNDER THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.

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

(1) in subsection (a)—

(A) paragraph (1)—

(i) in the second sentence—

(I) by striking “subsection (a)(1)(A) or (B)” and inserting “under any of subsections (a)(1)(A) through (E)” ; and

(II) by inserting “and in the case of leave that includes leave for such an event, the period of leave to which a covered employee is entitled under section 102(a)(1) of such Act shall be
12 administrative workweeks of leave plus any additional period of leave used under subsection (d)(2)(B) of this section” before the period; and

(ii) by striking the third sentence and inserting the following: “For purposes of applying section 102(a)(4) of such Act, in the case of leave that includes leave under any of subparagraphs (A) through (E) of section 102(a)(1) 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 any additional period of leave used under subsection (d)(2)(B) of this section.”; and

(B) in paragraph (2), by amending subparagraph (B) to read as follows:

“(B) except for leave described under section 102(a)(3) of such Act, the term ‘eligible employee’ as used in that Act means a covered employee.”; and

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

(B) by striking “subparagraph (A) or (B)” and inserting “any of subparagraphs (A) through (E)”;

(C) by striking “leave” in each instance and inserting “family and medical leave”; and

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

SEC. 1134. GAO, LIBRARY OF CONGRESS, POSTAL SERVICE, AND POSTAL REGULATORY COMMISSION EMPLOYEES.

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

(1) in section 101(2)(E)—

(A) in the subparagraph heading, by inserting “USPS, AND POSTAL REGULATORY COMMISSION” after “GAO”;

(B) by inserting “the United States Postal Service, or the Postal Regulatory Commission” after “Government Accountability Office”; and
(C) by striking “section 102(a)(1)(A) or (B)” and inserting “section 102(a)(1)(A) through (E)”;

(2) in section 102(a)(3)—

(A) in the paragraph heading, by inserting “USPS, AND POSTAL REGULATORY COMMISSION” after “GAO”;

(B) by striking “the Government Accountability Office” in each instance and inserting “the Government Accountability Office, the United States Postal Service, or the Postal Regulatory Commission”;

(C) by striking “leave” in each instance and inserting “family and medical leave”;

(D) in subparagraph (A), by striking “subparagraph (A) or (B)” and inserting “subparagraph (A) through (E)”;

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

(3) by adding at the end of section 102(a) the following:

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

With respect to an employee of the Government Accountability Office, the Library of Congress, the
United States Postal Service, or the Postal Regulatory Commission—

“(A) in the case of leave that includes leave under subparagraph (A) through (E) of paragraph (1), the employee shall be entitled to 12 administrative workweeks of leave plus any additional period of leave used under subsection (d)(3)(B)(ii) of this section or section 202(d)(2)(B) of the Congressional Accountability Act of 1995 (2 U.S.C. 1312(d)(2)(B)), as the case may be; and

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

SEC. 1135. EMPLOYEES OF THE EXECUTIVE OFFICE OF THE PRESIDENT.

Section 412 of title 3, United States Code, is amended—

(1) in subsection (a)(1), by adding at the end the following: “In applying section 102 of such Act
with respect to leave for an event described in subsection (a)(1)(A) through (E) of such section to covered employees, subsection (c) of this section shall apply and in the case of leave that includes leave for such an event, the period of leave to which a covered employee is entitled under section 102(a)(1) of such Act shall be 12 administrative workweeks of leave plus any additional period of leave used under subsection (c)(2)(B) of this section. For purposes of applying section 102(a)(4) of such Act, in the case of leave that includes leave under subparagraph (A) through (E) of section 102(a)(1) 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 any additional period of leave used under subsection (c)(2)(B) of this section.”;

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(3) by inserting after subsection (b) the following:

“(c) SPECIAL RULE FOR PAID FAMILY AND MEDICAL LEAVE.—

“(1) SUBSTITUTION OF PAID LEAVE.—A covered employee may elect to substitute for any leave
without pay under subparagraph (A) through (E) of section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)) any paid leave which is available to such employee for that purpose.

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

“(A) the number of weeks of paid family and medical leave in connection with the event giving rise to such leave that corresponds to the number of administrative workweeks of paid leave available to employees under section 6382(d)(2)(B)(i) of title 5, United States Code; and

“(B) during the 12-month period referred to in section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)) and in addition to the administrative workweeks described in subparagraph (A), any additional paid vacation, personal, family, medical, or sick leave provided by the employing office to such employee.

“(3) LIMITATION.—Nothing in this section or section 102(d)(2)(A) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(d)(2)(A)) shall
be considered to require or permit an employing office to require that an employee first use all or any portion of the leave described in paragraph (2)(B) before being allowed to use the paid family and medical leave described in paragraph (2)(A).

“(4) ADDITIONAL RULES.—Paid family and medical leave under paragraph (2)(A)—

“(A) shall be payable from any appropriation or fund available for salaries or expenses for positions within the employing office;

“(B) if not used by the covered employee before the end of the 12-month period (as referred to in section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1))) to which it relates, shall not accumulate for any subsequent use; and

“(C) shall apply without regard to the limitations in subparagraph (E), (F), or (G) of section 6382(d)(2) of title 5, United States Code, or section 104(e)(2) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2614(e)(2)).”;

and

(4) in subsection (e)(1), as so redesignated, by striking “subsection (e)” and inserting “subsection (d)”.
SEC. 1136. FAA AND TSA EMPLOYEES.

(a) Application of Federal FML.—Section 40122(g)(2) of title 49, United States Code, is amended—

(1) in subparagraph (I)(iii), by striking “and” at the end;

(2) in subparagraph (J), by striking the period at the end and inserting “, and”; and

(3) by adding at the end the following:

“(K) subchapter V of chapter 63, relating to family and medical leave.”.

(b) Corrections for TSA Screeners.—Section 111(d)(2)(B) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note), is amended to read as follows:

“(B) Leave.—Any individual appointed under paragraph (1) who otherwise qualifies as an employee under the requirements in section 6381(1) of title 5, United States Code, shall be subject to subchapter V of chapter 63 of such title.”.

SEC. 1137. TITLE 38 EMPLOYEES.

Section 7425 of title 38, United States Code, is amended—

(1) in subsection (b), by striking “Notwithstanding” and inserting “Except as provided in subsection (c), and notwithstanding”; and
(2) by adding at the end the following:

“(e) Notwithstanding any other provision of this subchapter, the Administration shall provide to individuals appointed to any position described in section 7421(b) who are employed for compensation by the Administration, family and medical leave in the same manner, and to the maximum extent practicable, as family and medical leave is provided under subchapter V of chapter 63 of title 5 to employees, as defined in section 6381(1) of such title.”.

SEC. 1138. ARTICLE I JUDGES.

(a) BANKRUPTCY JUDGES.—Section 153(d) of title 28, United States Code, is amended—

(1) by striking “A bankruptcy judge” and inserting “(1) Except as provided in paragraph (2), a bankruptcy judge”; and

(2) by adding at the end the following:

“(2) The provisions of subchapter V of chapter 63 of title 5 shall apply to a bankruptcy judge as if the bankruptcy judge were an employee (within the meaning of subparagraph (A) of section 6381(1) of such title).”.

(b) MAGISTRATE JUDGES.—Section 631(k) of title 28, United States Code, is amended—

(1) by striking “A United States magistrate judge” and inserting “(1) Except as provided in
paragraph (2), a United States magistrate judge”; and (2) by adding at the end the following:

“(2) The provisions of subchapter V of chapter 63 of title 5 shall apply to a United States magistrate judge as if the United States magistrate judge were an employee (within the meaning of subparagraph (A) of section 6381(1) of such title).”.

SEC. 1139. DISTRICT OF COLUMBIA COURTS AND DISTRICT OF COLUMBIA PUBLIC DEFENDER SERVICE.

(a) DISTRICT OF COLUMBIA COURTS.—Section 11-1726, District of Columbia Official Code, is amended by adding at the end the following new subsection:

“(d) In carrying out the family and medical leave act of 1993 (29 U.S.C. 2601 et seq.) with respect to non-judicial employees of the District of Columbia courts, the Joint Committee on Judicial Administration shall, notwithstanding any provision of such Act, establish a paid family and medical leave program for the leave described in subparagraphs (A) through (E) of section 102(a)(1) of such Act (29 U.S.C. 2612(a)(1)). In developing the terms and conditions for this program, the Joint Committee may be guided by the terms and conditions applicable to the provision of paid family and medical leave for employees
of the Federal Government under chapter 63 of title 5, United States Code, and any corresponding regulations.”.

(b) DISTRICT OF COLUMBIA PUBLIC DEFENDER SERVICE.—Section 305 of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (sec. 21605, D.C. Official Code) is amended by adding at the end the following new subsection:

“(d) In carrying out the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.) with respect to employees of the Service, the Director shall, notwithstanding any provision of such Act, establish a paid leave program for the leave described in subparagraphs (A) through (E) of section 102(a)(1) of such Act (29 U.S.C. 2612(a)(1)). In developing the terms and conditions for this program, the Director may be guided by the terms and conditions applicable to the provision of paid family and medical leave for employees of the Federal Government under chapter 63 of title 5, United States Code, and any corresponding regulations.”.

SEC. 1140. APPLICATION.

(a) RULE OF CONSTRUCTION.—Section 1101 and the amendments made such section shall have no force or effect.

(b) TITLE 5.—The amendments made by sections 1132, 1136, 1137, and 1138 shall not be effective—
(1) for leave described under subparagraph (A) or (B) of section 6382(a)(1) of title 5, United States Code, to any birth or placement occurring before October 1, 2020; and

(2) for leave described under subparagraph (C), (D), or (E) of such section, to any event for which such leave may be taken occurring before the date that is 1 year after the date of enactment of this Act.

(c) FML.—The amendments made by sections 1133, 1134, and 1135 shall not be effective—

(1) for leave described under subparagraph (A) or (B) of section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)), to any birth or placement occurring before October 1, 2020; and

(2) for leave described under subparagraph (C), (D), or (E) of such section, to any event for which such leave may be taken occurring before the date that is 1 year after the date of enactment of this Act.