

AMENDMENT TO RULES COMMITTEE PRINT 116-

22

OFFERED BY MS. SPEIER OF CALIFORNIA

Strike section 303 and insert the following new section:

1 SEC. 303. PAID FAMILY AND MEDICAL LEAVE.

2 (a) PURPOSE.—The purpose of this section is to—

3 (1) help the intelligence community recruit and
4 retain a dynamic, multi-talented, and diverse work-
5 force capable of meeting the security goals of the
6 United States; and

7 (2) establish best practices and processes for
8 other elements of the Federal Government seeking to
9 pursue similar policies.

10 (b) AUTHORIZATION OF PAID FAMILY AND MEDICAL
11 LEAVE FOR INTELLIGENCE COMMUNITY EMPLOYEES.—

12 (1) IN GENERAL.—Title III of the National Se-
13 curity Act of 1947 (50 U.S.C. 3071 et seq.) is
14 amended by inserting after section 304 the fol-
15 lowing:

16 **“SEC. 305. PAID FAMILY AND MEDICAL LEAVE.**

17 **“(a) PAID FAMILY AND MEDICAL LEAVE.—**Notwith-
18 standing any other provision of law, a civilian employee

1 of an element of the intelligence community shall have
2 available a total of 12 administrative workweeks of paid
3 family and medical leave in the event of a circumstance
4 specified in any of subparagraphs (A) through (E) of sec-
5 tion 6382(a)(1) of title 5, United States Code. With re-
6 spect to parental leave described in such subparagraphs
7 (A) and (B), such paid family and medical leave shall be
8 used during the 12-month period beginning on the date
9 of the birth or adoption or foster placement. Nothing in
10 this section shall be construed to modify or otherwise af-
11 fect the eligibility of an employee of an element of the in-
12 telligence community for benefits relating to leave under
13 any other provision of law.

14 “(b) TREATMENT OF FAMILY AND MEDICAL LEAVE
15 REQUEST.—Notwithstanding any other provision of law—

16 “(1) an element of the intelligence community
17 shall accommodate an employee’s leave request
18 under subsection (a), including a request to use such
19 leave intermittently or to create a reduced work
20 schedule, to the extent that the requested leave
21 schedule does not unduly disrupt operations; and

22 “(2) with respect to parental leave described in
23 subparagraph (A) of section 6382(a)(1) of title 5,
24 United States Code, to the extent that an employee’s
25 requested leave described in paragraph (1) arises out

1 of medical necessity related to a serious health con-
2 dition connected to the birth of a son or daughter,
3 the employing element shall handle the scheduling
4 consistent with the treatment of employees who are
5 using leave under subparagraph (C) or (D) of such
6 section.

7 “(c) RULES RELATING TO PAID LEAVE.—Notwith-
8 standing any other provision of law—

9 “(1) an employee may not be required to first
10 use all or any portion of any unpaid leave available
11 to the employee before being allowed to use the paid
12 family and medical leave described in subsection (a);
13 and

14 “(2) paid family and medical leave under sub-
15 section (a)—

16 “(A) shall be payable from any appropria-
17 tion or fund available for salaries or expenses
18 for positions within the employing element;

19 “(B) may not be considered to be annual
20 or vacation leave for purposes of section 5551
21 or 5552 of title 5, United States Code, or for
22 any other purpose;

23 “(C) with respect to parental leave de-
24 scribed in subparagraph (A) or (B) of section
25 6382(a)(1) of title 5, United States Code—

1 “(i) if not used by the employee be-
2 fore the end of the 12-month period begin-
3 ning on the date of the birth or adoption
4 or foster placement to which the leave re-
5 lates, may not be available for any subse-
6 quent use and may not be converted into
7 a cash payment;

8 “(ii) may be granted only to the ex-
9 tent that the employee does not receive a
10 total of more than 12 weeks of paid family
11 and medical leave in any 12-month period
12 beginning on the date of a birth or place-
13 ment;

14 “(iii) may not be granted—

15 “(I) in excess of a lifetime aggre-
16 gate total of 30 administrative work-
17 weeks based on placements of a foster
18 child for any individual employee; or

19 “(II) in connection with tem-
20 porary foster care placements ex-
21 pected to last less than 1 year; and

22 “(iv) may not be granted for a child
23 being placed for foster care or adoption if
24 such leave was previously granted to the
25 same employee when the same child was

1 placed with the employee for foster care in
2 the past;

3 “(D) shall be used in increments of hours
4 (or fractions thereof), with 12 administrative
5 workweeks equal to 480 hours for employees
6 with a regular full-time work schedule and con-
7 verted to a proportional number of hours for
8 employees with part-time, seasonal, or uncom-
9 mon tours of duty; and

10 “(E) may not be used during off-season
11 (nonpay status) periods for employees with sea-
12 sonal work schedules.

13 “(d) EMPLOYMENT AND BENEFITS PROTECTION.—

14 “(1) RESTORATION.—Any employee who takes
15 leave under this section for the intended purpose of
16 the leave shall be entitled, upon return from such
17 leave—

18 “(A) to be restored by the employing ele-
19 ment of the intelligence community to the posi-
20 tion held by the employee when the leave com-
21 menced; or

22 “(B) to be restored to an equivalent posi-
23 tion with equivalent benefits, pay, status, and
24 other terms and conditions of employment.

1 “(2) NO LOSS OF PRIOR BENEFITS.—The tak-
2 ing of leave under this section shall not result in the
3 loss of any employment benefit accrued prior to the
4 date on which the leave commenced.

5 “(3) BENEFITS DURING LEAVE.—Except as
6 otherwise provided by this section or under other
7 provisions of law, nothing in this section shall be
8 construed to entitle any restored employee to—

9 “(A) the accrual of any employment bene-
10 fits during any period of leave; or

11 “(B) any right, benefit, or position of em-
12 ployment other than any right, benefit, or posi-
13 tion to which the employee would have been en-
14 titled had the employee not taken the leave.

15 “(4) CERTIFICATIONS.—As a condition to res-
16 toration under paragraph (1) for an employee who
17 takes leave under this section, the employing ele-
18 ment of the intelligence community may have a uni-
19 formly applied practice or policy that requires each
20 such employee to receive certification from the
21 health care provider of the employee that the em-
22 ployee is able to resume work.

23 “(5) PERIODIC REPORTING.—Nothing in this
24 subsection shall be construed to prohibit an employ-
25 ing element of the intelligence community from re-

1 quiring an employee on leave under this section to
2 report periodically to the employing element on the
3 status and intention of the employee to return to
4 work.

5 “(e) PROHIBITION ON COERCION.—

6 “(1) PROHIBITION.—An employee of an ele-
7 ment of the intelligence community shall not directly
8 or indirectly intimidate, threaten, or coerce, or at-
9 tempt to intimidate, threaten, or coerce, any other
10 employee for the purpose of interfering with the ex-
11 ercise of any rights which such other employee may
12 have under this section.

13 “(2) DEFINITION.—In this subsection, the term
14 ‘intimidate, threaten, or coerce’ includes promising
15 to confer or conferring any benefit (such as appoint-
16 ment, promotion, or compensation), or taking or
17 threatening to take any reprisal (such as deprivation
18 of appointment, promotion, or compensation).

19 “(f) IMPLEMENTATION PLAN.—Not later than 1 year
20 after the date of the enactment of this section, the Direc-
21 tor of National Intelligence shall submit to the congres-
22 sional intelligence committees an implementation plan that
23 includes—

1 “(1) processes and procedures for implementing
2 the paid family and medical leave policies under sub-
3 sections (a) through (c);

4 “(2) an explanation of how the implementation
5 of subsections (a) through (c) will be reconciled with
6 policies of other elements of the Federal Govern-
7 ment, including the impact on elements funded by
8 the National Intelligence Program that are housed
9 within agencies outside the intelligence community;
10 and

11 “(3) all costs or operational expenses associated
12 with the implementation of subsections (a) through
13 (c).

14 “(g) DIRECTIVE.—Not later than 180 days after the
15 Director of National Intelligence submits the implementa-
16 tion plan under subsection (f), the Director of National
17 Intelligence shall issue a written directive to implement
18 this section, which directive shall take effect on the date
19 of issuance.

20 “(h) ANNUAL REPORT.—The Director of National
21 Intelligence shall submit to the congressional intelligence
22 committees an annual report that—

23 “(1) details the number of employees of each
24 element of the intelligence community who applied

1 for and took paid family and medical leave under
2 subsection (a) during the year covered by the report;

3 “(2) details the number of—

4 “(A) employees of each element of the in-
5 telligence community stationed abroad who ap-
6 plied for and took paid family and medical leave
7 under subsection (a) during the year covered by
8 the report; and

9 “(B) employees of each element of the in-
10 telligence community stationed abroad who ap-
11 plied for paid family and medical leave but such
12 application was not granted because of an
13 undue impact on operations as specified in sub-
14 section (b)(1); and

15 “(3) includes updates on major implementation
16 challenges or costs associated with paid family and
17 medical leave.

18 “(i) DEFINITION OF SON OR DAUGHTER.—For pur-
19 poses of this section, the term ‘son or daughter’ has the
20 meaning given the term in section 6381 of title 5, United
21 States Code.”.

22 (2) CLERICAL AMENDMENT.—The table of con-
23 tents in the matter preceding section 2 of the Na-
24 tional Security Act of 1947 (50 U.S.C. 3002) is

1 amended by inserting after the item relating to sec-
2 tion 304 the following:

“Sec. 305. Paid family and medical leave.”.

3 (c) APPLICABILITY.—Section 305 of the National Se-
4 curity Act of 1947, as added by subsection (b), shall apply
5 with respect to leave taken in connection with a cir-
6 cumstance specified in any of subparagraphs (A) through
7 (E) of section 6382(a)(1) of title 5, United States Code,
8 occurring on or after the date on which the Director of
9 National Intelligence issues the written directive under
10 subsection (e) of such section 305.

