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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R.

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

IN THE HOUSE OF REPRESENTATIVES

Mr. BEYER introduced the following bill; which was referred to the Committee on _____

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 (as defined in sec-
6 tion 2105) of the Government of the
7 United States, including service with the
8 United States Postal Service, the Postal
9 Regulatory Commission, and a non-
10 appropriated fund instrumentality as de-
11 scribed in section 2105(c); or

12 “(ii) which qualifies as military service
13 (as defined in section 8401(31));”; and

14 (2) in section 6382—

15 (A) in subsection (a)—

16 (i) in paragraph (1)—

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

24 (II) in subparagraph (B), by in-
25 serting “and in order to care for such

1 son or daughter” before the period;

2 and

3 (III) by adding after subpara-
4 graph (E) the following:

5 “(F) In order to meet the needs of the em-
6 ployee, or a family member of the employee, who is
7 a victim of dating violence, domestic violence, sexual
8 assault, sex trafficking, or stalking to—

9 “(i) seek medical attention or treatment
10 for physical or psychological injuries related to
11 domestic violence, dating violence, sexual as-
12 sult, stalking, or trafficking;

13 “(ii) seek mental health or counseling serv-
14 ices for injuries and trauma related to domestic
15 violence, dating violence, sexual assault, stalk-
16 ing, or trafficking;

17 “(iii) seek services from a victim services
18 organization, including, but not limited to, a do-
19 mestic violence program, a sexual assault victim
20 service provider, a stalking victim service pro-
21 vider;

22 “(iv) seek civil or criminal legal services to
23 prepare for and participate in legal proceedings
24 related to domestic violence, sexual assault, dat-
25 ing violence stalking, or trafficking;

1 “(v) secure safe housing, including search-
2 ing for new housing, relocating, and installing
3 additional safety measures;

4 “(vi) in a case in which a family member
5 of the employee has been a victim of dating vio-
6 lence, domestic violence, sexual assault, sex
7 trafficking, or stalking, to assist the family
8 member in any of the activities described in
9 clauses (i) through (v);

10 “(vii) enroll a family member in a new
11 school or care arrangement; or

12 “(viii) take other steps necessary to protect
13 or restore their physical, mental, emotional,
14 spiritual, and economic well-being or the well-
15 being of a family member recovering from a
16 qualifying act of violence.”;

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

19 “(2)(A) The entitlement to leave under sub-
20 paragraph (A) or (B) of paragraph (1) shall com-
21 mence at time of birth or placement of a son or
22 daughter and shall expire at the end of the 12-
23 month period beginning on the date of such birth or
24 placement.

1 “(B) Notwithstanding subparagraph (A), the
2 entitlement to leave under subparagraph (B) in con-
3 nection with adoption may commence prior to the
4 placement of the son or daughter to be adopted for
5 activities necessary to allow the adoption to proceed.

6 “(C) An employee may use leave under para-
7 graph (1)(A) in the event that the employee experi-
8 ences any of the following:

9 “(i) A pregnancy loss.

10 “(ii) An unsuccessful round of intrauterine
11 insemination or of an assisted reproductive
12 technology procedure.

13 “(iii) A failed adoption match or an adop-
14 tion that is not finalized because it is contested
15 by another party.

16 “(iv) A failed surrogacy arrangement.

17 “(v) A diagnosis or event that impacts
18 pregnancy or fertility.

19 “(D) An employee may use leave under para-
20 graph (1)(A) in the event that the absence is nec-
21 essary to care for a spouse or domestic partner who
22 experiences a circumstance described in subpara-
23 graph (C).

24 “(E)(i) In the event that an employee gives
25 birth to a child under a surrogacy arrangement, the

1 employee may use leave under paragraph (1)(A)
2 during such recovery period.

3 “(ii) For an employee who gives birth to a child
4 under a surrogacy arrangement, the child shall be
5 considered to be the child of the employee for pur-
6 poses of determining entitlement to leave under this
7 subchapter notwithstanding the definition in section
8 6381(6).

9 “(F) In the event that a child dies during the
10 birth-giving parent’s post-birth recovery period, the
11 employee may use leave under paragraph (1)(A)
12 during such recovery period. In the case of the em-
13 ployee who is not the birth-giving parent, such leave
14 is available only to the extent the employee is pro-
15 viding care to the birth-giving parent. In these cir-
16 cumstances, an employee may not use leave under
17 paragraphs (1)(C) or (1)(D).”; and

18 (iii) in paragraph (4)—

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

22 (II) by inserting “(or 26 adminis-
23 trative workweeks of leave plus any
24 additional period of leave used under

1 subsection (d)(2)(B)(ii))” after “26
2 administrative workweeks of leave”;

3 (B) by amending subsection (c) to read as
4 follows:

5 “(c) Leave granted under subsection (a)(1) shall be
6 paid leave, as provided in subsection (d)(2), except that
7 paid leave may not be provided for leave granted under
8 subparagraphs (A) or (B) of subsection (a)(1) if an em-
9 ployee does not enter into the required work obligation
10 agreement described in subsection (d)(2)(F). Leave grant-
11 ed under subsection (a)(3) shall be leave without pay un-
12 less annual or sick leave is substituted as provided in sub-
13 section (d)(1).”;

14 (C) in subsection (d)—

15 (i) in paragraph (1), by striking the
16 first sentence; and

17 (ii) in paragraph (2)—

18 (I) in subparagraph (A), by strik-
19 ing “subparagraph (A) or (B)” and
20 inserting “subparagraph (A) through
21 (E)”;

22 (II) by striking “parental” in
23 each instance;

24 (III) in the matter preceding
25 clause (i) of subparagraph (B), by

1 striking “subparagraph (A)” and in-
2 serting “any such subparagraph”;

3 (IV) in subparagraph (B)(i), by
4 striking “in connection with the birth
5 or placement involved” and inserting
6 “during any 12-month period (as ref-
7 erenced in subsection (a)(1)) for leave
8 granted under subsection (a)(1), ex-
9 cept that the total paid leave granted
10 for leave under subparagraph (A) or
11 (B) of subsection (a)(1) in connection
12 with a given birth or placement event
13 may not exceed 12 administrative
14 workweeks”;

15 (V) by amending subparagraph
16 (B)(ii) to read as follows:

17 “(ii) in addition to the 12 administra-
18 tive workweeks under clause (i), any an-
19 nual or sick leave accrued or accumulated
20 by such employee, if used during a 12-
21 month period (as referenced in subsection
22 (a)(1)) for leave granted under subsection
23 (a)(1).”; and

1 (VI) by striking subparagraphs
2 (E), (F), and (G) and inserting the
3 following:

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

7 “(F) Notwithstanding any other provision
8 of this paragraph, an employee may not receive
9 paid leave for leave under subparagraph (A) or
10 (B) of subsection (a)(1) unless the employee
11 agrees (in writing), before the commencement
12 of such leave, to either work for the applicable
13 employing agency for a period of time equal to
14 the total amount of paid leave granted to the
15 employee under subparagraph (B)(i) or provide
16 any reimbursement required under subpara-
17 graph (G). The qualifying period of work shall
18 exclude any period of leave or other time off,
19 except for leave covering periods of service in
20 the uniformed services creditable under section
21 4316 of title 38.

22 “(G)(i) If an employee fails to complete
23 the work obligation required under subpara-
24 graph (F), the employing agency may recover,
25 from such employee, an amount equal to the

1 amount of Government contributions paid by
2 the agency under section 8906 on behalf of the
3 employee for maintaining such employee's
4 health coverage under chapter 89 during the
5 period of such leave after offsetting that period
6 of leave by periods of work performed in partial
7 compliance with subparagraph (F).

8 “(ii) The head of the agency shall not
9 apply the work obligation requirement in clause
10 (i) in any instance where the employee fails to
11 complete the work obligation required under
12 subparagraph (F) because of the employee's
13 death or because of the continuation, recur-
14 rence, or onset of a serious health condition (in-
15 cluding mental health) affecting the employee
16 or the employee's spouse, parent, son, or daugh-
17 ter.

18 “(iii) The head of the employing agency
19 may require that an employee who claims to be
20 unable to complete the service required under
21 subparagraph (F) because of a serious health
22 condition described under clause (ii) provide
23 certification supporting such claim by a health
24 care provider. The employee shall provide such

1 certification to the agency head in a timely
2 manner.

3 “(H) Notwithstanding subparagraph
4 (B)(i), with respect to any employee (as defined
5 in section 6381(1)(B)(i)) who received paid
6 family leave under a provision of law similar to
7 this section and becomes subject to this section,
8 the limitations in subparagraph (B)(i) shall be
9 applied as if the paid leave granted under that
10 similar provision of law were granted under this
11 section.”; and

12 (D) by adding at the end the following:

13 “(f)(1) For purposes of leave under subsection
14 (a)(1)(F), and subject to paragraph (2), an employing
15 agency may require that a request for leave under such
16 subsection be supported by a certification issued at such
17 time and in such manner as the Director of the Office
18 of Personnel Management may by regulation prescribe.

19 “(2) In the case of an employee requesting leave
20 under such subsection who has not yet received a certifi-
21 cation as described under paragraph (1), such agency shall
22 accept a sworn statement in a form prescribed by the Di-
23 rector that such employee has requested such certification

24 “(3) For purposes of subsection (a)(1)(F), the fol-
25 lowing definitions shall apply:

1 “(A) The terms ‘dating violence’, ‘sex traf-
2 ficking’, ‘sexual assault’, and ‘stalking’ have the
3 meaning given those terms in section 40002(a) of
4 the Violence Against Women Act of 1994 (34 U.S.C.
5 12291(a)).

6 “(B) The term ‘domestic violence’ has the
7 meaning given the term in such section 40002(a),
8 except that the reference in such section to the term
9 ‘jurisdiction receiving grant funding’ shall be deemed
10 to mean the jurisdiction in which the victim lives or
11 the jurisdiction in which the employer involved is lo-
12 cated.

13 “(C) The term ‘family member’ means, with re-
14 spect to an employee—

15 “(i) a spouse (including a domestic partner
16 in a civil union or other registered domestic
17 partnership recognized by a State) or a parent
18 of such spouse;

19 “(ii) a child (regardless of age) or a child’s
20 spouse;

21 “(iii) a parent or a parent’s spouse;

22 “(iv) a sibling or a sibling’s spouse;

23 “(v) a grandparent, a grandchild, or a
24 spouse of a grandparent or grandchild; and

1 “(vi) any other individual who is related by
2 blood or affinity and whose association with the
3 employee is equivalent of a family relationship.

4 “(D) The term ‘qualifying act of violence’
5 means an act, conduct, or pattern of conduct that
6 could constitute any of the following:

7 “(i) dating violence;

8 “(ii) domestic violence;

9 “(iii) family violence;

10 “(iv) sexual assault;

11 “(v) sex trafficking;

12 “(vi) stalking;

13 “(vii) other forms of gender based violence
14 or harassment; or

15 “(viii) an act, conduct, or pattern of con-
16 duct—

17 “(I) in which an individual causes or
18 threatens to cause bodily injury or death to
19 another individual;

20 “(II) in which an individual exhibits,
21 draws, brandishes, or uses a firearm, or
22 other dangerous weapon, with respect to
23 another individual; or

24 “(III) in which an individual uses, or
25 makes a reasonably perceived or actual

1 threat to use, force against another indi-
2 vidual to cause bodily injury or death.

3 “(E) The term ‘victim services organization’
4 means a nonprofit, nongovernmental organization
5 that provides assistance to victims of a qualifying
6 act of violence or advocates for such victims, includ-
7 ing a rape crisis center, an organization carrying out
8 a qualifying act of violence prevention or treatment
9 program, an organization operating a shelter or pro-
10 viding counseling services, or a legal services organi-
11 zation or other organization providing assistance
12 through the legal process.”.

13 **SEC. 3. CONGRESSIONAL EMPLOYEES UNDER THE CON-**
14 **GRESSIONAL ACCOUNTABILITY ACT OF 1995.**

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

17 (1) in subsection (a)—

18 (A) paragraph (1)—

19 (i) in the second sentence—

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

24 (II) by striking “apply.” and in-
25 serting “apply, and in the case of

1 leave that includes leave for such an
2 event, the period of leave to which a
3 covered employee is entitled under
4 section 102(a)(1) of such Act shall be
5 12 administrative workweeks of leave
6 plus any additional period of leave
7 used under subsection (d)(2)(B) of
8 this section.”; and

9 (ii) by striking the third sentence and
10 inserting the following: “For purposes of
11 applying section 102(a)(4) of such Act, in
12 the case of leave that includes leave under
13 any of subparagraphs (A) through (E) of
14 section 102(a)(1) of such Act, a covered
15 employee is entitled, under paragraphs (1)
16 and (3) of section 102(a) of such Act, to
17 a combined total of 26 workweeks of leave
18 plus any additional period of leave used
19 under subsection (d)(2)(B) of this sec-
20 tion.”; and

21 (B) in paragraph (2), by amending sub-
22 paragraph (B) to read as follows:

23 “(B) except for leave described under sec-
24 tion 102(a)(3) of such Act, the term ‘eligible

1 employee’ as used in that Act means a covered
2 employee.”; and

3 (2) in subsection (d)—

4 (A) in the subsection heading, by striking
5 “PARENTAL LEAVE” and inserting “FAMILY
6 AND MEDICAL LEAVE”;

7 (B) by striking “subparagraph (A) or (B)”
8 and inserting “any of subparagraphs (A)
9 through (F)”;

10 (C) by striking “parental” in each in-
11 stance;

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

15 (E) by adding at the end the following:

16 “(5) SPECIAL RULE FOR LEAVE RELATING
17 TO DATING VIOLENCE, DOMESTIC VIOLENCE,
18 SEXUAL ASSAULT, SEX TRAFFICKING, OR
19 STALKING.—Leave provided under section
20 6382(a)(1)(F) of title 5, United States Code,
21 shall apply to covered employees in the same
22 manner if such leave were provided under
23 102(a)(1) of the Family and Medical Leave Act
24 of 1993, subject to the requirements of this sec-
25 tion and section 6382(f) of such title 5.”.

1 **SEC. 4. GAO, LIBRARY OF CONGRESS, POSTAL SERVICE,**
2 **AND POSTAL REGULATORY COMMISSION EM-**
3 **PLOYEES.**

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

6 (1) in section 101(2)(E)—

7 (A) in the subparagraph heading, by in-
8 serting “USPS, AND POSTAL REGULATORY
9 COMMISSION” after “GAO”;

10 (B) by inserting “the United States Postal
11 Service, or the Postal Regulatory Commission”
12 after “Government Accountability Office”; and

13 (C) by striking “section 102(a)(1)(A) or
14 (B)” and inserting “section 102(a)(1)(A)
15 through (E)”;

16 (2) in section 102—

17 (A) in subsection (a), by adding at the end
18 the following:

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

20 With respect to an employee of the Government Ac-
21 countability Office, the Library of Congress, the
22 United States Postal Service, or the Postal Regu-
23 latory Commission—

24 “(A) in the case of leave that includes
25 leave under subparagraph (A) through (E) of
26 paragraph (1), the employee shall be entitled to

1 12 administrative workweeks of leave plus any
2 additional period of leave used under subsection
3 (d)(3)(B)(ii) of this section or section
4 202(d)(2)(B) of the Congressional Account-
5 ability Act of 1995 (2 U.S.C. 1312(d)(2)(B)),
6 as the case may be; and

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

16 (B) in subsection (d)(3)—

17 (i) in the paragraph heading, by in-
18 serting “USPS, AND POSTAL REGULATORY
19 COMMISSION” after “GAO”;

20 (ii) by striking “the Government Ac-
21 countability Office” in each instance and
22 inserting “the Government Accountability
23 Office, the United States Postal Service, or
24 the Postal Regulatory Commission”;

1 (iii) by striking “parental” in each in-
2 stance and inserting “family and medical”;

3 (iv) in subparagraph (A), by striking
4 “subparagraph (A) or (B)” and inserting
5 “subparagraphs (A) through (E)”;

6 (v) in subparagraph (B)(i), by strik-
7 ing “birth or placement involved” and in-
8 serting “event giving rise to such leave”;
9 and

10 (vi) by adding at the end the fol-
11 lowing:

12 “(E) SPECIAL RULE FOR LEAVE RELATING
13 TO DATING VIOLENCE, DOMESTIC VIOLENCE,
14 SEXUAL ASSAULT, SEX TRAFFICKING, OR
15 STALKING.—Leave provided under section
16 6382(a)(1)(F) of title 5, United States Code,
17 shall apply to employees under this paragraph
18 in the same manner if such leave were provided
19 under 102(a)(1), subject to the requirements of
20 this subsection and section 6382(f) of such title
21 5.”.

22 **SEC. 5. EMPLOYEES OF THE EXECUTIVE OFFICE OF THE**
23 **PRESIDENT.**

24 Section 412 of title 3, United States Code, is amend-
25 ed—

1 (1) in subsection (a)—

2 (A) in paragraph (2), by amending sub-
3 paragraph (B) to read as follows:

4 “(B) the term ‘eligible employee’ as used
5 in the Family and Medical Leave Act of 1993
6 means a covered employee who is employed in
7 any employing office, excluding any individual
8 employed on a temporary or intermittent
9 basis.”; and

10 (B) by striking paragraph (3); and

11 (2) in subsection (c)—

12 (A) in paragraph (1), by striking “sub-
13 paragraph (A) or (B)” in each instance and in-
14 serting “subparagraphs (A) through (E)”; and

15 (B) in paragraph (2)—

16 (i) by striking “for substitution for
17 leave without pay under subparagraph (A)
18 or (B) of section 6382(a)(1) of such title”;
19 and

20 (ii) by adding after the period at the
21 end the following: “Leave provided under
22 section 6382(a)(1)(F) of such title 5 shall
23 apply to covered employees in the same
24 manner if such leave were provided under
25 102(a)(1) of such Act, subject to the re-

1 requirements of this subsection and section
2 6382(f) of such title 5.”.

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

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

6 (1) in the paragraph heading, by striking “PA-
7 RENTAL”; and

8 (2) by striking “parental” in each instance.

9 **SEC. 7. TITLE 38 EMPLOYEES.**

10 Not later than 6 months after the date of enactment
11 of this Act, the Secretary of Veterans Affairs shall modify
12 the family and medical leave program provided by oper-
13 ation of section 7425(c) of title 38, United States Code,
14 to conform with this Act and the amendments made by
15 this Act.

16 **SEC. 8. DISTRICT OF COLUMBIA COURTS AND DISTRICT OF**
17 **COLUMBIA PUBLIC DEFENDER SERVICE.**

18 (a) DISTRICT OF COLUMBIA COURTS.—Subsection
19 (d) of section 11–1726, District of Columbia Official Code,
20 is amended to read as follows:

21 “(d) In carrying out the Family and Medical Leave
22 Act of 1993 (29 U.S.C. 2601 et seq.) with respect to non-
23 judicial employees of the District of Columbia courts, the
24 Joint Committee on Judicial Administration shall, not-
25 withstanding any provision of such Act, establish a paid

1 family and medical leave program for the leave described
2 in subparagraphs (A) through (E) of section 102(a)(1) of
3 such Act (29 U.S.C. 2612(a)(1)), and such program shall
4 include paid leave described under section 6382(a)(1)(F)
5 of title 5, United States Code. In developing the terms
6 and conditions for this program, the Joint Committee may
7 be guided by the terms and conditions applicable to the
8 provision of paid family and medical leave for employees
9 of the Federal Government under chapter 63 of such title
10 5 and any corresponding regulations.”.

11 (b) DISTRICT OF COLUMBIA PUBLIC DEFENDER
12 SERVICE.—Subsection (d) of section 305 of the District
13 of Columbia Court Reform and Criminal Procedure Act
14 of 1970 (sec. 21605, D.C. Official Code) is amended to
15 read as follows:

16 “(d) In carrying out the Family and Medical Leave
17 Act of 1993 (29 U.S.C. 2601 et seq.) with respect to em-
18 ployees of the Service, the Director shall, notwithstanding
19 any provision of such Act, establish a paid leave program
20 for the leave described in subparagraphs (A) through (F)
21 of section 102(a)(1) of such Act (29 U.S.C. 2612(a)(1)),
22 and such program shall include paid leave described under
23 section 6382(a)(1)(F) of title 5, United States Code. In
24 developing the terms and conditions for this program, the
25 Director may be guided by the terms and conditions appli-

1 cable to the provision of paid family and medical leave for
2 employees of the Federal Government under chapter 63
3 of such title 5 and any corresponding regulations.”.

4 **SEC. 9. EFFECTIVE DATE.**

5 This Act and the amendments made by this Act shall
6 begin to apply on the date that is 6 months after the date
7 of enactment of this Act.