

117TH CONGRESS  
1ST SESSION

# S. 1158

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

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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

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## 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-

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

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

20 (B) in paragraph (2), in the last sentence,  
21 by striking “subparagraph (A) or (B)” and in-  
22 serting “any of subparagraphs (A) through  
23 (E)”;

24 (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            countability 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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