

116TH CONGRESS
2D SESSION

H. R. 5885

To make technical corrections relating to parental leave for Federal employees,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2020

Mrs. CAROLYN B. MALONEY of New York (for herself, Mrs. MILLER, Mr. SMITH of Washington, Mr. KING of New York, Mr. HOYER, Mr. BARR, Ms. NORTON, Mr. FITZPATRICK, Mr. CONNOLLY, Mr. RODNEY DAVIS of Illinois, Ms. FRANKEL, Mr. TURNER, Mr. DEFazio, Mr. MCKINLEY, Mr. HASTINGS, and Mr. FERGUSON) introduced the following bill; which was referred to the Committee on Oversight and Reform, and in addition to the Committees on House Administration, Veterans' Affairs, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To make technical corrections relating to parental leave for
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 “Federal Employee Pa-
5 rental Leave Technical Correction Act”.

1 **SEC. 2. FAMILY AND MEDICAL LEAVE AMENDMENTS.**

2 (a) IN GENERAL.—

3 (1) PAID PARENTAL LEAVE FOR EMPLOYEES OF
4 DISTRICT OF COLUMBIA COURTS AND DISTRICT OF
5 COLUMBIA PUBLIC DEFENDER SERVICE.—

6 (A) DISTRICT OF COLUMBIA COURTS.—

7 Section 11–1726, District of Columbia Official
8 Code, is amended by adding at the end the fol-
9 lowing new subsection:

10 “(d) In carrying out the Family and Medical Leave
11 Act of 1993 (29 U.S.C. 2601 et seq.) with respect to non-
12 judicial employees of the District of Columbia courts, the
13 Joint Committee on Judicial Administration shall, not-
14 withstanding any provision of such Act, establish a paid
15 parental leave program for the leave described in subpara-
16 graphs (A) and (B) of section 102(a)(1) of such Act (29
17 U.S.C. 2612(a)(1)) (relating to leave provided in connec-
18 tion with the birth of a child or the placement of a child
19 for adoption or foster care). In developing the terms and
20 conditions for this program, the Joint Committee may be
21 guided by the terms and conditions applicable to the provi-
22 sion of paid parental leave for employees of the Federal
23 Government under chapter 63 of title 5, United States
24 Code, and any corresponding regulations.”.

25 (B) DISTRICT OF COLUMBIA PUBLIC DE-
26 FENDER SERVICE.—Section 305 of the District

1 of Columbia Court Reform and Criminal Proce-
2 dure Act of 1970 (sec. 2–1605, D.C. Official
3 Code) is amended by adding at the end the fol-
4 lowing new subsection:

5 “(d) In carrying out the Family and Medical Leave
6 Act of 1993 (29 U.S.C. 2601 et seq.) with respect to em-
7 ployees of the Service, the Director shall, notwithstanding
8 any provision of such Act, establish a paid parental leave
9 program for the leave described in subparagraphs (A) and
10 (B) of section 102(a)(1) of such Act (29 U.S.C.
11 2612(a)(1)) (relating to leave provided in connection with
12 the birth of a child or the placement of a child for adoption
13 or foster care). In developing the terms and conditions for
14 this program, the Director may be guided by the terms
15 and conditions applicable to the provision of paid parental
16 leave for employees of the Federal Government under
17 chapter 63 of title 5, United States Code, and any cor-
18 responding regulations.”.

19 (2) CLARIFICATION OF USE OF OTHER LEAVE
20 IN ADDITION TO 12 WEEKS AS FAMILY AND MEDICAL
21 LEAVE.—

22 (A) TITLE 5.—Section 6382(a) of title 5,
23 United States Code, as amended by section
24 7602 of the National Defense Authorization Act
25 for Fiscal Year 2020, is amended—

(i) in paragraph (1), in the matter preceding subparagraph (A), by inserting “(or, in the case of leave that includes leave under subparagraph (A) or (B) of this paragraph, 12 administrative workweeks of leave plus any additional period of leave used under subsection (d)(2)(B)(ii))” after “12 administrative workweeks of leave”; and

(ii) in paragraph (4), 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”.

(B) CONGRESSIONAL EMPLOYEES.—Section 202(a)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1312(a)(1)), as amended by section 7603 of the National Defense Authorization Act for Fiscal Year 2020, is amended—

(i) in the second sentence, 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

1 be 12 administrative workweeks of leave
2 plus any additional period of leave used
3 under subsection (d)(2)(B) of this section”
4 before the period; and

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

16 (C) OTHER EMPLOYEES COVERED UNDER
17 THE FAMILY AND MEDICAL LEAVE ACT OF
18 1993.—Section 102(a) of the Family and Med-
19 ical Leave Act of 1993 (29 U.S.C. 2611(a)) is
20 amended by adding at the end the following:

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

22 With respect to an employee of the Government Ac-
23 countability Office and an employee of the Library
24 of Congress—

1 “(A) in the case of leave that includes
2 leave under subparagraph (A) or (B) of para-
3 graph (1), the employee shall be entitled to 12
4 administrative workweeks of leave plus any ad-
5 ditional period of leave used under subsection
6 (d)(3)(B)(ii) of this section or section
7 202(d)(2)(B) of the Congressional Account-
8 ability Act of 1995 (2 U.S.C. 1312(d)(2)(B)),
9 as the case may be; and

10 “(B) for purposes of paragraph (4), the
11 employee is entitled, under paragraphs (1) and
12 (3), to a combined total of 26 workweeks of
13 leave plus, if applicable, any additional period
14 of leave used under subsection (d)(3)(B)(ii) of
15 this section or section 202(d)(2)(B) of the Con-
16 gressional Accountability Act of 1995 (2 U.S.C.
17 1312(d)(2)(B)), as the case may be.”.

18 (3) APPLICABILITY.—The amendments made
19 by this subsection shall not be effective with respect
20 to any birth or placement occurring before October
21 1, 2020.

22 (b) PAID PARENTAL LEAVE FOR PRESIDENTIAL EM-
23 PLOYEES.—

(1) AMENDMENTS TO CHAPTER 5 OF TITLE 3,
UNITED STATES CODE.—Section 412 of title 3,
United States Code, is amended—

(A) 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 de-
scribed in subsection (a)(1)(A) or (B) 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 ad-
ditional period of leave used under subsection
(c)(2)(B) of this section. For purposes of apply-
ing section 102(a)(4) of such Act, in the case
of leave that includes leave under subparagraph
(A) or (B) 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 sub-
section (c)(2)(B) of this section.”;

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

1 (C) by inserting after subsection (b) the
2 following:

3 “(c) SPECIAL RULE FOR PAID PARENTAL LEAVE.—

4 “(1) SUBSTITUTION OF PAID LEAVE.—A cov-
5 ered employee may elect to substitute for any leave
6 without pay under subparagraph (A) or (B) of sec-
7 tion 102(a)(1) of the Family and Medical Leave Act
8 of 1993 (29 U.S.C. 2612(a)(1)) any paid leave
9 which is available to such employee for that purpose.

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

13 “(A) the number of weeks of paid parental
14 leave in connection with the birth or placement
15 involved that corresponds to the number of ad-
16 ministrative workweeks of paid parental leave
17 available to employees under section
18 6382(d)(2)(B)(i) of title 5, United States Code;
19 and

20 “(B) during the 12-month period referred
21 to in section 102(a)(1) of the Family and Med-
22 ical Leave Act of 1993 (29 U.S.C. 2612(a)(1))
23 and in addition to the administrative workweeks
24 described in subparagraph (A), any additional
25 paid vacation, personal, family, medical, or sick

1 leave provided by the employing office to such
2 employee.

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

11 “(4) ADDITIONAL RULES.—Paid parental leave
12 under paragraph (2)(A)—

13 “(A) shall be payable from any appropria-
14 tion or fund available for salaries or expenses
15 for positions within the employing office;

16 “(B) if not used by the covered employee
17 before the end of the 12-month period (as re-
18 ferred to in section 102(a)(1) of the Family and
19 Medical Leave Act of 1993 (29 U.S.C.
20 2612(a)(1))) to which it relates, shall not accu-
21 mulate for any subsequent use; and

22 “(C) shall apply without regard to the limi-
23 tations in subparagraph (E), (F), or (G) of sec-
24 tion 6382(d)(2) of title 5, United States Code,
25 or section 104(c)(2) of the Family and Medical

1 Leave Act of 1993 (29 U.S.C. 2614(c)(2)).”;
 2 and

3 (D) in subsection (e)(1), as so redesign-
 4 nated, by striking “subsection (c)” and insert-
 5 ing “subsection (d)”.

6 (2) APPLICABILITY.—The amendments made
 7 by this subsection shall not be effective with respect
 8 to any birth or placement occurring before October
 9 1, 2020.

10 (c) FAA AND TSA.—

11 (1) APPLICATION OF FEDERAL FML.—

12 (A) IN GENERAL.—Section 40122(g)(2) of
 13 title 49, United States Code, is amended—

14 (i) in subparagraph (I)(iii), by strik-
 15 ing “and” at the end;

16 (ii) in subparagraph (J), by striking
 17 the period at the end and inserting “;
 18 and”; and

19 (iii) by adding at the end the fol-
 20 lowing:

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

23 (B) APPLICABILITY.—The amendments
 24 made by subparagraph (A) shall not be effective
 25 with respect to any event for which leave may

1 be taken under subchapter V of chapter 63 of
2 title 5, United States Code, occurring before
3 October 1, 2020.

4 (2) CORRECTIONS FOR TSA SCREENERS.—Sec-
5 tion 7606 of the National Defense Authorization Act
6 for Fiscal Year 2020 is amended—

7 (A) by striking “Section 111(d)(2)” and
8 inserting the following:

9 “(a) IN GENERAL.—Section 111(d)(2)”; and

10 (B) by adding at the end the following:

11 “(b) EFFECTIVE DATE; APPLICATION.—

12 “(1) IN GENERAL.—The amendment made by
13 subsection (a) shall not be effective with respect to
14 any event for which leave may be taken under sub-
15 chapter V of chapter 63 of title 5, United States
16 Code, occurring before October 1, 2020.

17 “(2) APPLICATION TO SERVICE REQUIREMENT
18 FOR ELIGIBILITY.—For purposes of applying the pe-
19 riod of service requirement under subparagraph (B)
20 of section 6381(1) to an individual appointed under
21 section 111(d)(1) of the Aviation and Transpor-
22 tation Security Act (49 U.S.C. 44935 note), the
23 amendment made by subsection (a) of this section
24 shall apply with respect to any period of service by
25 the individual under such an appointment, including

1 service before the effective date of such amend-
2 ment.”.

3 (d) TITLE 38 EMPLOYEES.—

4 (1) IN GENERAL.—Section 7425 of title 38,
5 United States Code, is amended—

6 (A) in subsection (b), by striking “Not-
7 withstanding” and inserting “Except as pro-
8 vided in subsection (c), and notwithstanding”;
9 and

10 (B) by adding at the end the following:

11 “(c) Notwithstanding any other provision of this sub-
12 chapter, the Administration shall provide to individuals
13 appointed to any position described in section 7421(b) who
14 are employed by the Administration family and medical
15 leave in the same manner, to the maximum extent prac-
16 ticable, as family and medical leave is provided under sub-
17 chapter V of chapter 63 of title 5 to employees, as defined
18 in section 6381(1) of such title.”.

19 (2) APPLICABILITY.—The amendments made
20 by paragraph (1) shall not be effective with respect
21 to any event for which leave may be taken under
22 subchapter V of chapter 63 of title 5, United States
23 Code, occurring before October 1, 2020.

24 (e) ARTICLE I JUDGES.—

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

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

6 (B) by adding at the end the following:

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

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

13 (A) by striking “A United States mag-
14 istrate judge” and inserting “(1) Except as pro-
15 vided in paragraph (2), a United States mag-
16 istrate judge”; and

17 (B) by adding at the end the following:

18 “(2) The provisions of subchapter V of chapter 63
19 of title 5 shall apply to a United States magistrate judge
20 as if the United States magistrate judge were an employee
21 (within the meaning of subparagraph (A) of section
22 6381(1) of such title).”.

23 (3) APPLICABILITY.—The amendments made
24 by this subsection shall not be effective with respect

1 to any birth or placement occurring before October
2 1, 2020.

3 (f) TECHNICAL CORRECTIONS.—

4 (1) Section 7605 of the National Defense Au-
5 thorization Act for Fiscal Year 2020 is amended by
6 striking “on active duty” each place it appears and
7 inserting “on covered active duty”.

8 (2) Subparagraph (E) of section 6382(d)(2) of
9 title 5, United States Code, as added by section
10 7602 of the National Defense Authorization Act for
11 Fiscal Year 2020, is amended by striking “the re-
12 quirement to complete” and all that follows and in-
13 serting “the service requirement under subparagraph
14 (B) of section 6381(1).”.

15 (g) EFFECTIVE DATE.—The amendments made by
16 this section shall take effect as if enacted immediately
17 after the enactment of the National Defense Authorization
18 Act for Fiscal Year 2020.

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