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(Original Signature of Member)

116TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

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

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IN THE HOUSE OF REPRESENTATIVES

Mrs. CAROLYN B. MALONEY of New York introduced the following bill; which  
was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**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”.

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

7 (a) IN GENERAL.—

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

4           (A) DISTRICT OF COLUMBIA COURTS.—

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

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

23           (B) DISTRICT OF COLUMBIA PUBLIC DE-  
24          FENDER SERVICE.—Section 305 of the District  
25          of Columbia Court Reform and Criminal Proce-

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

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

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

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

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

10 (ii) in paragraph (4), by inserting  
11 “(or 26 administrative workweeks of leave  
12 plus any additional period of leave used  
13 under subsection (d)(2)(B)(ii)” after “26  
14 administrative workweeks of leave”.

15 (B) CONGRESSIONAL EMPLOYEES.—Sec-  
16 tion 202(a)(1) of the Congressional Account-  
17 ability Act of 1995 (2 U.S.C. 1312(a)(1)), as  
18 amended by section 7603 of the National De-  
19 fense Authorization Act for Fiscal Year 2020,  
20 is amended—

21 (i) in the second sentence, by insert-  
22 ing “and in the case of leave that includes  
23 leave for such an event, the period of leave  
24 to which a covered employee is entitled  
25 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           (1) AMENDMENTS TO CHAPTER 5 OF TITLE 3,  
2 UNITED STATES CODE.—Section 412 of title 3,  
3 United States Code, is amended—

4           (A) in subsection (a)(1), by adding at the  
5 end the following: “In applying section 102 of  
6 such Act with respect to leave for an event de-  
7 scribed in subsection (a)(1)(A) or (B) of such  
8 section to covered employees, subsection (c) of  
9 this section shall apply and in the case of leave  
10 that includes leave for such an event, the period  
11 of leave to which a covered employee is entitled  
12 under section 102(a)(1) of such Act shall be 12  
13 administrative workweeks of leave plus any ad-  
14 ditional period of leave used under subsection  
15 (c)(2)(B) of this section. For purposes of apply-  
16 ing section 102(a)(4) of such Act, in the case  
17 of leave that includes leave under subparagraph  
18 (A) or (B) of section 102(a)(1) of such Act, a  
19 covered employee is entitled, under paragraphs  
20 (1) and (3) of section 102(a) of such Act, to a  
21 combined total of 26 workweeks of leave plus  
22 any additional period of leave used under sub-  
23 section (c)(2)(B) of this section.”;

24           (B) by redesignating subsections (c) and  
25 (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)”;

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           (2) 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 sserting “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.