

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 564  
OFFERED BY MRS. CAROLYN B. MALONEY OF  
NEW YORK**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Comprehensive Paid  
3 Leave for Federal Employees Act”.

**4 SEC. 2. PAID FAMILY AND MEDICAL LEAVE FOR FEDERAL  
5 EMPLOYEES COVERED BY TITLE 5.**

6 Chapter 63 of title 5, United States Code, is amend-  
7 ed—

8 (1) in section 6381, by amending paragraph  
9 (1)(B) to read as follows:

10 “(B) has completed at least 12 months of  
11 service—

12 “(i) as an employee (as defined in sec-  
13 tion 2105) of the Government of the  
14 United States, including service with the  
15 United States Postal Service, the Postal  
16 Regulatory Commission, and a non-

1           appropriated fund instrumentality as de-  
2           scribed in section 2105(c); or

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

5           (2) in section 6382—

6                   (A) in subsection (a)—

7                           (i) in paragraph (1)—

8                                   (I) in the matter preceding sub-  
9                                   paragraph (A), by striking “12 ad-  
10                                   ministrative workweeks of leave” and  
11                                   inserting “12 administrative work  
12                                   weeks of leave plus any additional pe-  
13                                   riod of leave used under subsection  
14                                   (d)(2)(B)(ii)”; and

15                                   (II) in subparagraph (B), by in-  
16                                   serting “and in order to care for such  
17                                   son or daughter” before the period;

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

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

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 subparagraph (B)(i), by  
25 striking “in connection with the birth

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

11 (IV) by amending subparagraph  
12 (B)(ii) to read as follows:

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

20 (V) by amending subparagraph  
21 (E) to read as follows:

22 “(E) Nothing in this paragraph shall be  
23 construed to modify the service requirement in  
24 section 6381(1)(B).”;

1 (VI) by amending subparagraph  
2 (F) to read as follows:

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

18 (VII) by amending subparagraph  
19 (G) to read as follows:

20 “(G)(i) If an employee fails to complete  
21 the work obligation required under subpara-  
22 graph (F), the employing agency may recover,  
23 from such employee, an amount equal to the  
24 amount of Government contributions paid by  
25 the agency under section 8906 on behalf of the

1 employee for maintaining such employee's  
2 health coverage under chapter 89 during the  
3 period of such leave after offsetting that period  
4 of leave by periods of work performed in partial  
5 compliance with subparagraph (F).

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

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



1 (VIII) by adding at the end the  
2 following:

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.”.

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

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

16 (1) in subsection (a)—

17 (A) paragraph (1)—

18 (i) in the second sentence—

19 (I) by striking “subsection  
20 (a)(1)(A) or (B)” and inserting

21 “under any of subsections (a)(1)(A)  
22 through (E)”;

23 (II) by inserting “and in the case  
24 of leave that includes leave for such  
25 an event, the period of leave to which

1 a covered employee is entitled under  
2 section 102(a)(1) of such Act shall be  
3 12 administrative workweeks of leave  
4 plus any additional period of leave  
5 used under subsection (d)(2)(B) of  
6 this section” before the period; and

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

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

21 “(B) except for leave described under sec-  
22 tion 102(a)(3) of such Act, the term ‘eligible  
23 employee’ as used in that Act means a covered  
24 employee.”; and

25 (2) in subsection (d)—

1 (A) in the subsection heading, by striking  
2 “PARENTAL LEAVE” and inserting “FAMILY  
3 AND MEDICAL LEAVE”;

4 (B) by striking “subparagraph (A) or (B)”  
5 and inserting “any of subparagraphs (A)  
6 through (E)”;

7 (C) by striking “parental” in each in-  
8 stance; and

9 (D) in paragraph (2)(A), by striking “birth  
10 or placement involved” and inserting “event  
11 giving rise to such leave”.

12 **SEC. 4. GAO, LIBRARY OF CONGRESS, POSTAL SERVICE,**  
13 **AND POSTAL REGULATORY COMMISSION EM-**  
14 **PLOYEES.**

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

17 (1) in section 101(2)(E)—

18 (A) in the subparagraph heading, by in-  
19 serting “USPS, AND POSTAL REGULATORY  
20 COMMISSION” after “GAO”;

21 (B) by inserting “the United States Postal  
22 Service, or the Postal Regulatory Commission”  
23 after “Government Accountability Office”; and

1 (C) by striking “section 102(a)(1)(A) or  
2 (B)” and inserting “section 102(a)(1)(A)  
3 through (E)”;

4 (2) in section 102(a)(3)—

5 (A) in the paragraph heading, by inserting  
6 “USPS, AND POSTAL REGULATORY COMMIS-  
7 SION” after “GAO”;

8 (B) by striking “the Government Account-  
9 ability Office” in each instance and inserting  
10 “the Government Accountability Office, the  
11 United States Postal Service, or the Postal  
12 Regulatory Commission”;

13 (C) by striking “parental” in each instance  
14 and inserting “family and medical”;

15 (D) in subparagraph (A), by striking “sub-  
16 paragraph (A) or (B)” and inserting “subpara-  
17 graphs (A) through (E)”;

18 (E) in subparagraph (B)(i), by striking  
19 “birth or placement involved” and inserting  
20 “event giving rise to such leave”; and

21 (3) by adding at the end of section 102(a) the  
22 following:

23 “(6) SPECIAL RULES ON PERIOD OF LEAVE.—  
24 With respect to an employee of the Government Ac-  
25 countability Office, the Library of Congress, the

1 United States Postal Service, or the Postal Regu-  
2 latory Commission—

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

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

20 **SEC. 5. EMPLOYEES OF THE EXECUTIVE OFFICE OF THE**  
21 **PRESIDENT.**

22 Section 412 of title 3, United States Code, is amend-  
23 ed—

24 (1) in subsection (a)(2), by amending subpara-  
25 graph (B) to read as follows:

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

7           (2) by striking subsection (a)(3);

8           (3) by amending subsection (c)(1) to read as  
9           follows:

10           “(1) SUBSTITUTION OF PAID LEAVE.—A cov-  
11           ered employee may elect to substitute paid leave that  
12           is available under paragraph (2) for any leave grant-  
13           ed under subparagraphs (A) through (E) of section  
14           102(a)(1) of the Family and Medical Leave Act of  
15           1993 (29 U.S.C. 2612(a)(1)).”; and

16           (4) in subsection (c)(2), by striking “for substi-  
17           tution for leave without pay under subparagraph (A)  
18           or (B) of section 6382(a)(1) of such title”.

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

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

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

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

1 **SEC. 7. TITLE 38 EMPLOYEES.**

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

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

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

13 “(d) In carrying out the family and medical leave act  
14 of 1993 (29 U.S.C. 2601 et seq.) with respect to non-judi-  
15 cial employees of the District of Columbia courts, the  
16 Joint Committee on Judicial Administration shall, not-  
17 withstanding any provision of such Act, establish a paid  
18 family and medical leave program for the leave described  
19 in subparagraphs (A) through (E) of section 102(a)(1) of  
20 such Act (29 U.S.C. 2612(a)(1)). In developing the terms  
21 and conditions for this program, the Joint Committee may  
22 be guided by the terms and conditions applicable to the  
23 provision of paid family and medical leave for employees  
24 of the Federal Government under chapter 63 of title 5,  
25 United States Code, and any corresponding regulations.”.

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

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

18 **SEC. 9. EFFECTIVE DATE.**

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

