

117TH CONGRESS
1ST SESSION

H. R. 3122

To amend title 10, United States Code, to expand parental leave for members of the Armed Forces, to reduce the service commitment required for participation in the career intermission program of a military department, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2021

Ms. SPEIER (for herself, Mrs. BICE of Oklahoma, Mrs. CAROLYN B. MALONEY of New York, Mr. JOYCE of Ohio, Ms. BARRAGÁN, Ms. BONAMICI, Ms. BROWNLEY, Mr. CARSON, Mr. CASTRO of Texas, Mr. CICILLINE, Ms. DELAURO, Mr. GALLEGRO, Ms. HOULAHAN, Mr. KATKO, Mr. MCGOVERN, Mr. MORELLE, Mr. MOULTON, Mrs. NAPOLITANO, Ms. NORTON, Ms. PORTER, Ms. PRESSLEY, Ms. ROSS, Mr. RYAN, Ms. SHERRILL, Ms. STRICKLAND, Ms. TITUS, Mr. TURNER, Mr. VELA, Ms. VELÁZQUEZ, Ms. WILD, Ms. WILSON of Florida, and Mr. YOUNG) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to expand parental leave for members of the Armed Forces, to reduce the service commitment required for participation in the career intermission program of a military department, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Servicemember Paren-
3 tal Leave Equity Act”.

4 **SEC. 2. EXPANSION OF PARENTAL LEAVE FOR MEMBERS**
5 **OF THE ARMED FORCES.**

6 (a) EXPANSION.—Section 701 of title 10, United
7 States Code, is amended—

8 (1) in subsection (i)—

9 (A) in paragraph (1)—

10 (i) in subparagraph (A), by striking
11 “twelve weeks” and inserting “18 weeks”;

12 (ii) in subparagraph (B), by striking
13 “six weeks” and inserting “12 weeks”; and

14 (iii) by adding at the end the fol-
15 lowing new subparagraph:

16 “(C) Under the regulations prescribed for purposes
17 of this subsection, a member of the armed forces described
18 in paragraph (2) who is the primary caregiver in the case
19 of a long-term placement of a foster child is allowed up
20 to 12 weeks of total leave to be used in connection with
21 such placement, subject to limits as determined by the
22 Secretary regarding—

23 “(i) the total number of times that a member
24 of the armed forces may use leave under this section
25 with respect to the placement of a foster child; and

1 “(ii) the frequency with which a member of the
2 armed forces may use leave under this section with
3 respect to the placement of a foster child.”;

4 (B) in paragraph (5), by striking “birth or
5 adoption” and inserting “birth, adoption, or
6 foster child placement”; and

7 (C) in paragraph (6)(A), by striking “birth
8 or adoption” and inserting “birth, adoption, or
9 foster child placement”;

10 (2) in subsection (j)—

11 (A) in paragraph (1), by striking “21
12 days” and inserting “12 weeks”;

13 (B) by redesignating paragraphs (2)
14 through (4) as paragraphs (3) through (5), re-
15 spectively;

16 (C) by inserting, after paragraph (1), the
17 following new paragraph (2):

18 “(2) Under the regulations prescribed for purposes
19 of this subsection, a member of the armed forces described
20 in subsection (i)(2) who is the secondary caregiver in the
21 case of a long-term placement of a foster child is allowed
22 up to 12 weeks of total leave to be used in connection
23 with such placement, subject to limits as determined by
24 the Secretary regarding—

1 “(A) the total number of times that a member
2 of the armed forces may use leave under this section
3 with respect to the placement of a foster child; and

4 “(B) the frequency with which a member of the
5 armed forces may use leave under this section with
6 respect to the placement of a foster child.”;

7 (D) in paragraph (4), as redesignated, by
8 striking “only in one increment in connection
9 with such birth or adoption” and inserting “in
10 more than one increment in connection with
11 such birth, adoption, or foster child placement
12 in accordance with regulations prescribed by the
13 Secretary of Defense”; and

14 (E) by adding at the end the following new
15 paragraph (6):

16 “(6) Under regulations prescribed for purposes of
17 this subsection, the Secretary shall provide a member of
18 the armed forces described in subsection (i)(2), who would
19 have been a secondary caregiver but for a miscarriage,
20 stillbirth, or infant death, with leave—

21 “(A) in addition to leave under subsection (a);
22 and

23 “(B) not to exceed the amount of leave under
24 paragraph (1).”;

1 (3) in subsection (l), by inserting “ordered to
2 temporary duty overnight travel, or ordered to par-
3 ticipate in physically demanding field training exer-
4 cises,” before “during”; and

5 (4) by adding at the end the following new sub-
6 section (m):

7 “(m) A member of the armed forces who gives birth
8 while on active duty may be required to meet body com-
9 position standards or pass a physical fitness test during
10 the period of 12 months beginning on the date of such
11 birth only with the approval of a health care provider em-
12 ployed at a military medical treatment facility and—

13 “(1) at the election of such member; or

14 “(2) in the interest of national security, as de-
15 termined by the Secretary of Defense.”.

16 (b) REGULATIONS; GUIDANCE AND POLICIES.—

17 (1) REGULATIONS.—The Secretary of Defense
18 shall prescribe regulations—

19 (A) for leave under subsection (i)(1)(C)
20 and subsection (j)(2) of section 701 of title 10,
21 United States Code, as amended by subsection
22 (a), not later than one year after the date of
23 the enactment of this Act;

24 (B) that establish leave, consistent across
25 the Armed Forces, under subsection (j)(6) of

1 such section not later than one year after the
2 date of the enactment of this Act; and

3 (C) that establish convalescent leave, con-
4 sistent across the Armed Forces, under sub-
5 section (i)(1) of such section not later than 180
6 days after the date of the enactment of this
7 Act.

8 (2) GUIDANCE AND POLICIES.—Each Secretary
9 of a military department shall prescribe—

10 (A) policies to establish the maximum
11 amount of leave under subsection (i)(1) of sec-
12 tion 701 of title 10, United States Code, as
13 amended by subsection (a), not later than one
14 year after the date of the enactment of this Act;

15 (B) policies to implement leave under sub-
16 section (i)(5) or (j)(4) of such section not later
17 than 180 days after the date of the enactment
18 of this Act;

19 (C) policies to implement not less than 21
20 days of leave pursuant to regulations prescribed
21 under paragraphs (1) and (2) of subsection (j)
22 of such section not later than one year after the
23 date of the enactment of this Act; and

24 (D) policies to implement the maximum
25 amount of leave pursuant to regulations pre-

1 scribed under paragraphs (1) and (2) of sub-
2 section (j) of such section not later than five
3 years after the date of the enactment of this
4 Act.

5 (c) REPORTING.—Not later than January 1, 2023,
6 and annually thereafter, each Secretary of a military de-
7 partment shall submit to the Committees on Armed Serv-
8 ices of the Senate and House of Representatives a report
9 containing the following:

10 (1) The use, during the preceding fiscal year, of
11 leave under subsections (i) and (j) of section 701 of
12 title 10, United States Code, as amended by sub-
13 section (a), disaggregated by births, adoptions, and
14 foster placements, including—

15 (A) the number of members in each Armed
16 Force under the jurisdiction of the Secretary
17 who became primary caregivers;

18 (B) the number of members in each Armed
19 Force under the jurisdiction of the Secretary
20 who became secondary caregivers;

21 (C) the number of primary caregivers who
22 used primary caregiver leave;

23 (D) the number of secondary caregivers
24 who used secondary caregiver leave;

1 (E) the number of primary caregivers who
2 used the maximum amount of primary caregiver
3 leave;

4 (F) the number of secondary caregivers
5 who used the maximum amount of secondary
6 caregiver leave;

7 (G) the number of primary caregivers who
8 utilized primary caregiver leave in multiple in-
9 crements;

10 (H) the number of secondary caregivers
11 who utilized primary caregiver leave in multiple
12 increments;

13 (I) the median duration of primary care-
14 giver leave used by primary caregivers;

15 (J) the median duration of secondary care-
16 giver leave used by secondary caregivers; and

17 (K) other information the Secretary deter-
18 mines appropriate.

19 (2) An analysis of the effect of leave described
20 in paragraph (1) on—

21 (A) readiness; and

22 (B) retention.

23 (3) Any actions taken by the Secretary to miti-
24 gate negative effects described in paragraph (2).

1 (4) The number of members deployed under
2 each paragraph of subsection (l) of section 701 of
3 title 10, United States Code, as amended by sub-
4 section (a).

5 **SEC. 3. REDUCTION IN SERVICE COMMITMENT REQUIRED**
6 **FOR PARTICIPATION IN CAREER INTER-**
7 **MISSION PROGRAM OF A MILITARY DEPART-**
8 **MENT.**

9 Section 710(c)(3) of title 10, United States Code, is
10 amended by striking “two months” and inserting “one
11 month”.

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