

117TH CONGRESS
1ST SESSION

S. 1571

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 SENATE OF THE UNITED STATES

MAY 11, 2021

Ms. DUCKWORTH (for herself, Mr. DURBIN, Mr. VAN HOLLEN, Mrs. MURRAY, Ms. HIRONO, Mr. BLUMENTHAL, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and 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,*

3 **SECTION 1. SHORT TITLE.**

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

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

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

5 (1) in subsection (i)—

6 (A) in paragraph (1)—

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

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

11 (iii) by adding at the end the fol-
 12 lowing new subparagraph:

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

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

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

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

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

7 (2) in subsection (j)—

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

10 (B) by redesignating paragraphs (2)
11 through (4) as paragraphs (3) through (5), re-
12 spectively;

13 (C) by inserting after paragraph (1) the
14 following new paragraph:

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

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

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

11 (E) by adding at the end the following new
12 paragraph (6):

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

18 “(A) in addition to leave under subsection (a);

19 and

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

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

1 (4) by adding at the end the following new sub-
2 section (m):

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

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

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

12 (b) REGULATIONS; GUIDANCE AND POLICIES.—

13 (1) REGULATIONS.—The Secretary of Defense
14 shall prescribe regulations—

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

20 (B) that establish leave, consistent across
21 the Armed Forces, under subsection (j)(6) of
22 such section not later than one year after the
23 date of the enactment of this Act; and

24 (C) that establish convalescent leave, con-
25 sistent across the Armed Forces, under sub-

1 section (i)(1) of such section not later than 180
2 days after the date of the enactment of this
3 Act.

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

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

11 (B) policies to implement leave under sub-
12 section (i)(5) or (j)(4) of such section not later
13 than 180 days after the date of the enactment
14 of this Act;

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

20 (D) policies to implement the maximum
21 amount of leave pursuant to regulations pre-
22 scribed under paragraphs (1) and (2) of sub-
23 section (j) of such section not later than five
24 years after the date of the enactment of this
25 Act.

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

6 (1) A description of the use, during the pre-
7 ceding fiscal year, of leave under subsections (i) and
8 (j) of section 701 of title 10, United States Code, as
9 amended by subsection (a), disaggregated by births,
10 adoptions, and foster placements, including—

11 (A) the number of members in each Armed
12 Force under the jurisdiction of the Secretary
13 who became primary caregivers;

14 (B) the number of members in each Armed
15 Force under the jurisdiction of the Secretary
16 who became secondary caregivers;

17 (C) the number of primary caregivers who
18 used primary caregiver leave;

19 (D) the number of secondary caregivers
20 who used secondary caregiver leave;

21 (E) the number of primary caregivers who
22 used the maximum amount of primary caregiver
23 leave;

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

4 (G) the number of primary caregivers who
 5 utilized primary caregiver leave in multiple in-
 6 crements;

7 (H) the number of secondary caregivers
 8 who utilized primary caregiver leave in multiple
 9 increments;

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

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

14 (K) other information the Secretary deter-
 15 mines appropriate.

16 (2) An analysis of the effect of leave described
 17 in paragraph (1) on—

18 (A) readiness; and

19 (B) retention.

20 (3) A description of any actions taken by the
 21 Secretary to mitigate negative effects described in
 22 paragraph (2).

23 (4) The number of members deployed under
 24 each paragraph of subsection (l) of section 701 of

1 title 10, United States Code, as amended by sub-
2 section (a).

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

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

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