

116TH CONGRESS
2D SESSION

H. R. 8541

To help ensure that COVID–19 does not prevent disabled veterans from using the medical treatment leave to which such veterans are entitled, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 6, 2020

Mr. KILMER (for himself, Mr. FITZPATRICK, and Mr. CONNOLLY) introduced the following bill; which was referred to the Committee on Oversight and Reform

A BILL

To help ensure that COVID–19 does not prevent disabled veterans from using the medical treatment leave to which such veterans are entitled, 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. DISABLED VETERAN LEAVE EXTENSION AND**
4 **RESTORATION.**

5 (a) IN GENERAL.—The period during which a cov-
6 ered employee is entitled to leave under section 6329(a)
7 of title 5, United States Code, shall be the 24-month pe-
8 riod beginning on the first day of employment of such em-
9 ployee.

1 (b) LEAVE FORFEITURE.—

2 (1) IN GENERAL.—Notwithstanding subsection
3 (b)(2) of section 6329 of title 5, United States Code,
4 leave to which subsection (a) applies shall be for-
5 feited and may not be carried over if such leave is
6 not used during the 24-month period described in
7 such subsection.

8 (2) OTHER FORFEITURE RULE INAPPLI-
9 CABLE.—Any leave credited to a covered employee
10 that has not been forfeited prior to the date of the
11 enactment of this Act by operation of section
12 6329(b)(2) of title 5, United States Code, shall not
13 be forfeited by operation of such section.

14 (c) PREVIOUSLY FORFEITED LEAVE RESTORED.—

15 (1) IN GENERAL.—Leave credited to a covered
16 employee that was forfeited by operation of section
17 6329(b)(2) of title 5, United States Code, shall be
18 made available to such employee in accordance with
19 paragraph (3) and to the extent it was so forfeited
20 if—

21 (A) such employee did not use such leave
22 prior to forfeiture because medical treatment
23 from a Veterans Affairs medical provider for
24 the related disability was not reasonably avail-
25 able due to COVID–19, as determined by the

1 Director of the Veterans Integrated Service
2 Network in which such employee resided on the
3 date of such forfeiture; and

4 (B) such employee would be entitled to
5 leave under section 6329(a) of title 5, United
6 States Code, if the date on which leave would
7 be made available under this paragraph was the
8 first day of employment of such employee.

9 (2) RESTORED LEAVE AVAILABILITY.—Leave
10 made available to a covered employee under para-
11 graph (1) shall remain available to such employee
12 until the date that is 12 months after the date on
13 which such leave was forfeited by operation of sec-
14 tion 6329(b)(2) of title 5, United States Code.

15 (3) APPLICATION.—A covered employee that
16 seeks leave to be made available under paragraph
17 (1) shall submit to the head of the agency employing
18 such employee a request, in such form and manner
19 as the Director of the Office of Personnel Manage-
20 ment may prescribe, for such leave.

21 (4) TREATMENT OF RESTORED LEAVE.—Except
22 as provided in this subsection, leave made available
23 under this subsection shall be treated in the same
24 manner as leave credited to an employee under sec-
25 tion 6329 of title 5, United States Code.

1 (d) RULE OF CONSTRUCTION.—Subsection (a) shall
2 not be construed as modifying or otherwise affecting the
3 rights of any covered employee with respect to leave for-
4 feited prior to the date of the enactment of this Act by
5 operation of section 6329(b)(2) of title 5, United States
6 Code.

7 (e) DEFINITIONS.—In this Act:

8 (1) COVERED EMPLOYEE.—The term “covered
9 employee” means an employee described in section
10 6329(a) of title 5, United States Code, whose first
11 day of employment is during the covered period.

12 (2) COVERED PERIOD.—The term “covered pe-
13 riod” means the period beginning on March 1, 2019,
14 and ending on June 1, 2021.

15 (3) RELATED DISABILITY.—The term “related
16 disability” means the disability for which a covered
17 employee is entitled to the leave referred to in sub-
18 section (a).

19 (4) VETERANS AFFAIRS MEDICAL PROVIDER.—
20 The term “Veterans Affairs medical provider”
21 means any—

22 (A) medical facility of the Department of
23 Veterans Affairs that furnishes medical care or
24 services; or

1 (B) non-Department of Veterans Affairs
2 health care provider who provides medical care
3 or services to veterans under the laws adminis-
4 tered by the Secretary of Veterans Affairs.

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