

116TH CONGRESS  
2D SESSION

# S. 4777

To restore leave lost by Federal employees during certain public health emergencies, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 30 (legislative day, SEPTEMBER 29), 2020

Ms. HIRONO (for herself, Mr. BROWN, Mrs. MURRAY, Mr. SANDERS, Ms. DUCKWORTH, Mr. SCHATZ, Mr. CARDIN, and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To restore leave lost by Federal employees during certain public health emergencies, 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 Worker Leave  
5 Fairness Act of 2020”.

6 **SEC. 2. RESTORATION OF LEAVE.**

7 (a) DEFINITIONS.—In this section—

8 (1) the term “agency” means each agency, of-  
9 fice, or other establishment in the executive, legisla-

1       tive, or judicial branch of the Federal Government,  
2       including—

3               (A) the Federal Aviation Administration;

4               (B) the Transportation Security Adminis-  
5       tration;

6               (C) the Department of Veterans Affairs;

7               (D) the United States Postal Service;

8               (E) the Postal Regulatory Commission;

9               (F) the Library of Congress; and

10              (G) the Government Accountability Office;

11       and

12       (2) the term “employee”—

13              (A) means an employee of an agency; and

14              (B) includes—

15                  (i) a covered employee, as that term is  
16       defined in section 101 of the Congressional  
17       Accountability Act of 1995 (2 U.S.C.  
18       1301), other than an applicant for employ-  
19       ment;

20                  (ii) a covered employee, as that term  
21       is defined in section 411(c) of title 3,  
22       United States Code;

23                  (iii) an employee of the Department of  
24       Veterans Affairs, including an employee  
25       appointed under chapter 74 of title 38,

1 United States Code, without regard to  
2 whether section 7421(a) of that title, sec-  
3 tion 7425(b) of that title, or any other pro-  
4 vision of chapter 74 of that title is incon-  
5 sistent with that inclusion;

6 (iv) an employee of the Transpor-  
7 tation Security Administration, including  
8 an employee under section 111(d) of the  
9 Aviation and Transportation Security Act  
10 (49 U.S.C. 44935 note);

11 (v) a Foreign Service officer;

12 (vi) an employee of the Diplomatic Se-  
13 curity Service of the Department of State;  
14 and

15 (vii) any other individual occupying a  
16 position in the civil service, as that term is  
17 defined in section 2101(1) of title 5,  
18 United States Code.

19 (b) RESTORATION OF LEAVE.—Any leave lost by an  
20 employee during a pandemic declared to be a nationwide  
21 public health emergency under section 319 of the Public  
22 Health Service Act (42 U.S.C. 247d) because the amount  
23 of the leave accumulated by the employee would have been  
24 in excess of the maximum amount that may be accumu-  
25 lated by the employee under any provision of law or policy

1 (including under section 6304 of title 5, United States  
2 Code) shall be restored to the employee.

3 (c) APPLICABILITY.—Subsection (b) shall apply to  
4 any leave lost on or after the date of enactment of this  
5 Act.

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