

116TH CONGRESS  
2D SESSION

# H. R. 8944

To amend the Family and Medical Leave Act of 1993 and the Emergency Paid Sick Leave Act to include leave for employees who are unable to work due to minor children in optional virtual or hybrid learning, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 10, 2020

Ms. MENG introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committees on House Administration, Oversight and Reform, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Family and Medical Leave Act of 1993 and the Emergency Paid Sick Leave Act to include leave for employees who are unable to work due to minor children in optional virtual or hybrid learning, 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 “Access To Health-  
3 based Options and More Ease with Learning Act” or the  
4 “AT HOME Learning Act”.

5 **SEC. 2. FAMILY AND MEDICAL LEAVE ACT OF 1993.**

6 (a) EMERGENCY LEAVE EXTENSION.—Section  
7 102(a)(1)(F) of the Family and Medical Leave Act of  
8 1993 (29 U.S.C. 2612(a)(1)(F)) is amended by striking  
9 “December 31, 2020” and inserting “June 25, 2021”.

10 (b) QUALIFYING NEED RELATED TO A PUBLIC  
11 HEALTH EMERGENCY.—Section 110(a)(2)(A) of the  
12 Family and Medical Leave Act of 1993 (29 U.S.C.  
13 2620(a)(2)(A)) is amended to read as follows:

14 “(A) QUALIFYING NEED RELATED TO A  
15 PUBLIC HEALTH EMERGENCY.—The term  
16 ‘qualifying need related to a public health emer-  
17 gency’, with respect to leave, means the em-  
18 ployee is unable to work (or telework) due to a  
19 need for leave to care for the son or daughter  
20 of such employee if, due to COVID–19—

21 “(i) the child care provider of such  
22 son or daughter is unavailable;

23 “(ii) the school or place of care of  
24 such son or daughter is closed; or

25 “(iii) the school of such son or daugh-  
26 ter—

1 “(I) requires or makes optional a  
2 virtual learning instruction model; or

3 “(II) requires or makes optional  
4 a hybrid of in-person and virtual  
5 learning instruction models.”.

6 **SEC. 3. EMERGENCY PAID SICK LEAVE ACT.**

7 (a) PAID SICK TIME REQUIREMENT.—Section  
8 5102(a)(5) of the Emergency Paid Sick Leave Act (29  
9 U.S.C. 2601 note) is amended to read as follows:

10 “(5) The employee is caring for a son or daugh-  
11 ter of such employee if, due to COVID–19—

12 “(A) the child care provider of such son or  
13 daughter is unavailable;

14 “(B) the school or place of care of such  
15 son or daughter is closed; or

16 “(C) the school of such son or daughter—

17 “(i) requires or makes optional a vir-  
18 tual learning instruction model; or

19 “(ii) requires or makes optional a hy-  
20 brid of in-person and virtual learning in-  
21 struction models.”.

22 (b) ALLOWING EMPLOYEES TO ACCESS THE BAL-  
23 ANCE OF THEIR EMERGENCY PAID SICK LEAVE ENTI-  
24 TLEMENT.—Section 5102 of the Emergency Paid Sick

1 Leave Act (29 U.S.C. 2601 note) is amended by striking  
2 subsection (b)(3).

3 (c) EMERGENCY PAID SICK LEAVE EXTENSION.—  
4 Section 5109 of the Emergency Paid Sick Leave Act (29  
5 U.S.C. 2601 note) is amended by striking “December 31,  
6 2020” and inserting “June 25, 2021”.

7 **SEC. 4. TAX CREDITS FOR PAID SICK AND PAID FAMILY**  
8 **AND MEDICAL LEAVE.**

9 (a) PAID SICK LEAVE.—Section 7001(g) of the Fam-  
10 ilies First Coronavirus Response Act (26 U.S.C. 3111  
11 note) is amended by striking “December 31, 2020” and  
12 inserting “June 25, 2021”.

13 (b) PAID FAMILY LEAVE.—Section 7003(g) of the  
14 Families First Coronavirus Response Act (26 U.S.C. 3111  
15 note) is amended by striking “December 31, 2020” and  
16 inserting “June 25, 2021”.

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