

**Congress of the United States**  
Washington, DC 20510

November 15, 2021

The Honorable Adam Smith  
Chairman  
House Armed Services Committee  
2216 Rayburn Office Building  
Washington, D.C. 20515

The Honorable Mike Rogers  
Ranking Member  
House Armed Services Committee  
2216 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Jack Reed  
Chairman  
Senate Armed Services Committee  
228 Russell Senate Office Building  
Washington, D.C. 20510

The Honorable Jim Inhofe  
Ranking Member  
Senate Armed Services Committee  
205 Russell Senate Office Building  
Washington, D.C. 20510

Dear Chairman Smith, Chairman Reed, Ranking Member Rogers and Ranking Member Inhofe:

As the House and Senate conferees negotiate the final Fiscal Year (FY) 2022 National Defense Authorization Act (NDAA), we strongly urge you to retain expansion of parental leave for servicemembers in the final conference report. Family leave is an essential component of compensation that benefits the health of military children and families, encourages retention of military personnel and contributes to the readiness of America's armed forces.

While the U.S. military once led the U.S. Government in offering these benefits, parental leave for military personnel now lags behind the benefit offered to their federal civilian employee counterparts, as well as the benefits offered by an increasing share of large employers. Federal civilian employees who become parents—regardless of gender or status as a primary or secondary caregiver—are eligible for 12 weeks of parental leave, and birth mothers are eligible for at least 6 additional weeks of convalescent leave.

While the military convalescent leave for birth mothers is comparable to that for civilian employees, caregiver leave falls woefully short, with only 6 weeks for primary caregivers and as little as 2 weeks of leave for secondary caregivers, typically fathers. This outdated policy is insufficient for both primary and secondary caregivers and fails to recognize the importance for parents to have time to bond with new children, including the significant benefits of paternity leave for the health of birth mothers.<sup>1</sup> Furthermore, the services have inconsistent policies on postpartum

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<sup>1</sup> For example, see: Mansdotter and Lundin, "How do masculinity, paternity leave, and mortality associate? –A study of fathers in the Swedish parental & child cohort of 1988/89," *Social Science and Medicine* (Aug. 2010, Vol. 71, Issue 3: Pp. 576–583), <https://doi.org/10.1016/j.socscimed.2010.05.008>; Kotsadam and Finseraas, "The state intervenes in the battle of the sexes: Causal effects of paternity leave," *Social Science Research* (Nov. 2011, Vol. 40,

deferments; with the exception of the Marine Corps, they have failed to track utilization of the existing caregiver leave benefits; do not allow the flexibility to use caregiver leave in multiple increments, which could benefit both the servicemember and the service's operational needs; and do not offer any leave for secondary caregivers in case of a stillbirth, miscarriage or infant death—one of the most tragic crises that any family can face. It is past time to give our servicemembers the best-in-class family leave benefits that they so clearly deserve.

Both the House (H.R. 4350) and Senate (S. 2792) versions of the FY22 NDAA contain provisions that would modernize family leave benefits, including **Sec. 621** (Expansion of parental leave for members of the Armed Forces) and **Sec. 625** (Continuation of paid parental leave for a member of the Armed Forces upon death of a child) of the House bill and **Sec. 520** (Extension of paid parental leave) of the Senate bill. Many of these reforms are also included in the bipartisan and bicameral Servicemember Parental Leave Equity Act (H.R.3122, S.1571). We urge inclusion of, at minimum, the following provisions in the final NDAA conference agreement:

- Expand nonchargeable caregiver leave to 12 weeks, for both primary and secondary caregivers, in the case of birth, adoption or long-term foster placement of a child;
- Maintain at least 6 weeks of convalescent leave for birth mothers that is not chargeable against annual or caregiver leave;
- Enable primary and secondary caregiver leave to be used in multiple increments, and allow leave to be taken within 24 months of birth, adoption or placement when mission needs prevent it from being used within the first 12 months;
- Provide for caregiver or bereavement leave to be taken in the event of miscarriage, stillbirth, or infant death;
- Harmonize postpartum deferment policies across the services to at least 12 months before new mothers may be required to meet body composition standards, pass a physical fitness test, be ordered to temporary duty overnight travel or be ordered to participate in physically demanding training exercises; and
- Track and report to Congress the utilization of caregiver leave across the services and the impact of caregiver leave on readiness and retention.

The FY20 and FY21 NDAAs included groundbreaking provisions to establish and expand competitive parental leave benefits for civilian employees of the U.S. Government, including Department of Defense civilians. We must ensure that the FY22 NDAA delivers these same advances for servicemembers, who have the same need for parental leave as their civilian counterparts. We recognize that in some cases training, deployment and other operational needs of the military may make it more challenging to schedule caregiver leave than for civilian employees. The above mentioned provisions incorporate the flexibility to take leave in multiple

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Issue 3: Pp. 1611–1622), <https://doi.org/10.1016/j.ssresearch.2011.06.011>; Petts, Carlson, and Knoester, “If I take leave, will you stay? Paternity leave and relationship stability,” *Journal of Social Policy* (Oct. 2020, Vol. 49, Issue 4: Pp. 829–849), <https://doi.org/10.1017/S0047279419000928>; and Persson and Rossin-Slater, “When Dad can stay home: Fathers’ workplace flexibility and maternal health,” *Washington Center for Equitable Growth Working Paper Series*, June 2019, <https://equitablegrowth.org/working-papers/when-dad-can-stay-home-fathers-workplace-flexibility-and-maternal-health/>.

increments or at a time after the birth, adoption or placement of the child—such as during block leave—that would meet both the needs of new parents and the readiness needs of the military. And because only the Marine Corps has tracked the use of parental leave by servicemembers, these provisions would also require the rest of the services to track and report to Congress on the use and impact of this essential benefit.

Thank you for your leadership and commitment to our servicemembers, and we urge you to include a robust parental leave benefit in the final FY 2022 NDAA conference agreement.

Sincerely,



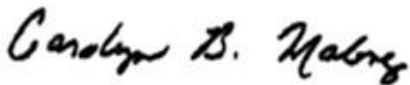
Tammy Duckworth  
U.S. Senator



Jackie Speier  
Member of Congress



Stephanie Bice  
Member of Congress



Carolyn B. Maloney  
Member of Congress



David Joyce  
Member of Congress

Co-signers:

Senator Kirsten Gillibrand

Senator Mazie Hirono

Senator Brian Schatz

Senator Patty Murray

Senator Ron Wyden

Rep. Colin Allred

Rep. Nanette Diaz Barragán

Rep. Karen Bass

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