

111TH CONGRESS
1ST SESSION

S. 1543

To amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to provide leave for family members of members of regular components of the Armed Forces, and leave to care for covered veterans, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 30, 2009

Mr. DODD (for himself, Mr. KENNEDY, Mrs. MURRAY, and Mr. LIEBERMAN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to provide leave for family members of members of regular components of the Armed Forces, and leave to care for covered veterans, 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 “Supporting Military
5 Families Act of 2009”.

1 **TITLE I—GENERAL**
2 **REQUIREMENTS FOR LEAVE**

3 **SEC. 101. DEFINITION OF COVERED ACTIVE DUTY.**

4 (a) DEFINITION.—Section 101 of the Family and
5 Medical Leave Act of 1993 (29 U.S.C. 2611) is amend-
6 ed—

7 (1) by striking paragraph (14) and inserting
8 the following:

9 “(14) COVERED ACTIVE DUTY.—The term ‘cov-
10 ered active duty’ means—

11 “(A) in the case of a member of a regular
12 component of the Armed Forces, duty during
13 the deployment of the member with the Armed
14 Forces to a foreign country; and

15 “(B) in the case of a member of a reserve
16 component of the Armed Forces, duty during
17 the deployment of the member with the Armed
18 Forces to a foreign country under a call or
19 order to active duty under a provision of law re-
20 ferred to in section 101(a)(13)(B) of title 10,
21 United States Code.”; and

22 (2) by striking paragraph (15) and redesignig-
23 nating paragraphs (16) through (19) as paragraphs
24 (15) through (18), respectively.

1 (b) LEAVE.—Section 102 of the Family and Medical
2 Leave Act of 1993 (29 U.S.C. 2612) is amended—

3 (1) in subsection (a)(1)(E)—

4 (A) by striking “active duty” each place it
5 appears and inserting “covered active duty”;
6 and

7 (B) by striking “in support of a contin-
8 gency operation”; and

9 (2) in subsection (e)(3)—

10 (A) in the paragraph heading, by striking
11 “ACTIVE DUTY” and inserting “COVERED AC-
12 TIVE DUTY”;

13 (B) by striking “active duty” each place it
14 appears and inserting “covered active duty”;
15 and

16 (C) by striking “in support of a contin-
17 gency operation”.

18 (c) CONFORMING AMENDMENT.—Section 103(f) of
19 the Family and Medical Leave Act of 1993 (29 U.S.C.
20 2613(f)) is amended, in the subsection heading, by strik-
21 ing “ACTIVE DUTY” each place it appears and inserting
22 “COVERED ACTIVE DUTY”.

23 **SEC. 102. DEFINITION OF COVERED SERVICEMEMBER.**

24 Paragraph (15) of section 101 of the Family and
25 Medical Leave Act of 1993 (29 U.S.C. 2611) (as redesi-

1 nated by section 101 of this Act) is amended to read as
 2 follows:

3 “(15) COVERED SERVICEMEMBER.—The term
 4 ‘covered servicemember’ means—

5 “(A) a member of the Armed Forces (in-
 6 cluding a member of the National Guard or Re-
 7 serves) who is undergoing medical treatment,
 8 recuperation, or therapy, is otherwise in out-
 9 patient status, or is otherwise on the temporary
 10 disability retired list, for a serious injury or ill-
 11 ness; or

12 “(B) a veteran who is undergoing medical
 13 treatment, recuperation, or therapy, for a seri-
 14 ous injury or illness and who was a member of
 15 the Armed Forces (including a member of the
 16 National Guard or Reserves) at any time dur-
 17 ing the period of 5 years preceding the date on
 18 which the veteran undergoes that medical treat-
 19 ment, recuperation, or therapy.”.

20 **SEC. 103. DEFINITIONS OF SERIOUS INJURY OR ILLNESS;**
 21 **VETERAN.**

22 Section 101 of the Family and Medical Leave Act of
 23 1993 (29 U.S.C. 2611) is further amended by striking
 24 paragraph (18) (as redesignated by section 101 of this
 25 Act) and inserting the following:

1 “(18) SERIOUS INJURY OR ILLNESS.—The term
2 ‘serious injury or illness’—

3 “(A) in the case of a member of the Armed
4 Forces (including a member of the National
5 Guard or Reserves), means an injury or illness
6 that was incurred by the member in line of duty
7 on active duty in the Armed Forces (or existed
8 before the beginning of the member’s active
9 duty and was aggravated by service in line of
10 duty on active duty in the Armed Forces) and
11 that may render the member medically unfit to
12 perform the duties of the member’s office,
13 grade, rank, or rating; and

14 “(B) in the case of a veteran who was a
15 member of the Armed Forces (including a mem-
16 ber of the National Guard or Reserves) at any
17 time during a period described in paragraph
18 (15)(B), means an injury or illness that was in-
19 curred by the member in line of duty on active
20 duty in the Armed Forces (or existed before the
21 beginning of the member’s active duty and was
22 aggravated by service in line of duty on active
23 duty in the Armed Forces) and that manifested
24 itself before or after the member became a vet-
25 eran.

1 “(19) VETERAN.—The term ‘veteran’ has the
2 meaning given the term in section 101 of title 38,
3 United States Code.”.

4 **SEC. 104. TECHNICAL AMENDMENT.**

5 Section 102(e)(2)(A) of the Family and Medical
6 Leave Act of 1993 (29 U.S.C. 2612(e)(2)(A)) is amended
7 by striking “or parent” and inserting “parent, or next of
8 kin”.

9 **SEC. 105. REGULATIONS.**

10 The Secretary of Labor, after consultation with the
11 Secretary of Defense and Secretary of Veterans Affairs,
12 shall prescribe such regulations as are necessary to carry
13 out the amendments made by this title.

14 **TITLE II—LEAVE FOR CIVIL**
15 **SERVICE EMPLOYEES**

16 **SEC. 201. EXIGENCY LEAVE FOR SERVICEMEMBERS ON**
17 **COVERED ACTIVE DUTY.**

18 (a) DEFINITION.—Section 6381(7) of title 5, United
19 States Code, is amended to read as follows:

20 “(7) the term ‘covered active duty’ means—

21 “(A) in the case of a member of a regular
22 component of the Armed Forces, duty during
23 the deployment of the member with the Armed
24 Forces to a foreign country; and

1 “(B) in the case of a member of a reserve
2 component of the Armed Forces, duty during
3 the deployment of the member with the Armed
4 Forces to a foreign country under a call or
5 order to active duty under a provision of law re-
6 ferred to in section 101(a)(13)(B) of title 10,
7 United States Code;”.

8 (b) LEAVE.—Section 6382 of title 5, United States
9 Code, is amended—

10 (1) in subsection (a)(1), by adding at the end
11 the following:

12 “(E) Because of any qualifying exigency arising
13 out of the fact that the spouse, or a son, daughter,
14 or parent of the employee is on covered active duty
15 (or has been notified of an impending call or order
16 to covered active duty) in the Armed Forces.”;

17 (2) in subsection (b)(1), by inserting after the
18 second sentence the following: “Subject to subsection
19 (e)(3) and section 6383(f), leave under subsection
20 (a)(1)(E) may be taken intermittently or on a re-
21 duced leave schedule.”;

22 (3) in subsection (d), by striking “or (D)” and
23 inserting “(D), or (E)”; and

24 (4) in subsection (e), by adding at the end the
25 following:

1 “(3) In any case in which the necessity for leave
2 under subsection (a)(1)(E) is foreseeable, whether because
3 the spouse, or a son, daughter, or parent, of the employee
4 is on covered active duty, or because of notification of an
5 impending call or order to covered active duty, the em-
6 ployee shall provide such notice to the employer as is rea-
7 sonable and practicable.”.

8 (c) CERTIFICATION.—Section 6383(f) of title 5,
9 United States Code, is amended by striking “section
10 6382(a)(3)” and inserting “paragraph (1)(E) or (3) of
11 section 6382(a)”.

12 **SEC. 202. DEFINITION OF COVERED SERVICEMEMBER.**

13 Paragraph (8) of section 6381 of title 5, United
14 States Code, is amended to read as follows:

15 “(8) the term ‘covered servicemember’ means—

16 “(A) a member of the Armed Forces (in-
17 cluding a member of the National Guard or Re-
18 serves) who is undergoing medical treatment,
19 recuperation, or therapy, is otherwise in out-
20 patient status, or is otherwise on the temporary
21 disability retired list, for a serious injury or ill-
22 ness; or

23 “(B) a veteran who is undergoing medical
24 treatment, recuperation, or therapy, for a seri-
25 ous injury or illness and who was a member of

1 the Armed Forces (including a member of the
2 National Guard or Reserves) at any time dur-
3 ing the period of 5 years preceding the date on
4 which the veteran undergoes that medical treat-
5 ment, recuperation, or therapy;”.

6 **SEC. 203. DEFINITIONS OF SERIOUS INJURY OR ILLNESS;**
7 **VETERAN.**

8 Section 6381 of title 5, United States Code, is further
9 amended—

10 (1) in paragraph (10), by striking “and” at the
11 end; and

12 (2) by striking paragraph (11) and inserting
13 the following:

14 “(11) the term ‘serious injury or illness’—

15 “(A) in the case of a member of the Armed
16 Forces (including a member of the National
17 Guard or Reserves), means an injury or illness
18 that was incurred by the member in line of duty
19 on active duty in the Armed Forces (or existed
20 before the beginning of the member’s active
21 duty and was aggravated by service in line of
22 duty on active duty in the Armed Forces) and
23 that may render the member medically unfit to
24 perform the duties of the member’s office,
25 grade, rank, or rating; and

1 “(B) in the case of a veteran who was a
2 member of the Armed Forces (including a mem-
3 ber of the National Guard or Reserves) at any
4 time during a period described in paragraph
5 (8)(B), means an injury or illness that was in-
6 curred by the member in line of duty on active
7 duty in the Armed Forces (or existed before the
8 beginning of the member’s active duty and was
9 aggravated by service in line of duty on active
10 duty in the Armed Forces) and that manifested
11 itself before or after the member became a vet-
12 eran; and

13 “(12) the term ‘veteran’ has the meaning given
14 the term in section 101 of title 38, United States
15 Code.”.

16 **SEC. 204. TECHNICAL AMENDMENT.**

17 Section 6382(e)(2)(A) of title 5, United States Code,
18 is amended by striking “or parent” and inserting “parent,
19 or next of kin”.

20 **SEC. 205. REGULATIONS.**

21 The Office of Personnel Management, after consulta-
22 tion with the Secretary of Defense and Secretary of Vet-
23 erans Affairs, shall prescribe such regulations as are nec-
24 essary to carry out the amendments made by this title.

○