

109TH CONGRESS
1ST SESSION

S. 1888

To provide for 2 programs to authorize the use of leave by caregivers for family members of certain individuals performing military service, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 19, 2005

Mr. JEFFORDS (for himself and Mr. FEINGOLD) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To provide for 2 programs to authorize the use of leave by caregivers for family members of certain individuals performing military service, 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 “Military Family Sup-
5 port Act of 2005”.

6 **SEC. 2. PROGRAMS FOR USE OF LEAVE BY CAREGIVERS**

7 **FOR FAMILY MEMBERS OF INDIVIDUALS PER-**

8 **FORMING CERTAIN MILITARY SERVICE.**

9 (a) **FEDERAL EMPLOYEES PROGRAM.**—

1 (1) DEFINITIONS.—In this subsection:

2 (A) CAREGIVER.—The term “caregiver”
3 means an individual who—

4 (i) is an employee;

5 (ii) is at least 21 years of age; and

6 (iii) is capable of self care and care of
7 children or other dependent family mem-
8 bers of a qualified member of the Armed
9 Forces.

10 (B) COVERED PERIOD OF SERVICE.—The
11 term “covered period of service” means any pe-
12 riod of service performed by an employee as a
13 caregiver while the individual who designated
14 the caregiver under paragraph (3) remains a
15 qualified member of the Armed Forces.

16 (C) EMPLOYEE.—The term “employee”
17 has the meaning given under section 6331 of
18 title 5, United States Code.

19 (D) FAMILY MEMBER.—The term “family
20 member” includes—

21 (i) individuals for whom the qualified
22 member of the Armed Forces provides
23 medical, financial, and logistical support
24 (such as housing, food, clothing, or trans-
25 portation); and

(ii) children under the age of 19 years, elderly adults, persons with disabilities, and other persons who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term “qualified member of the Armed Forces” means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—The Office of Personnel Management shall establish a program to authorize a caregiver to—

(A) use any sick leave of that caregiver during a covered period of service in the same

manner and to the same extent as annual leave is used; and

(B) use any leave available to that caregiver under subchapter III or IV of chapter 63 of title 5, United States Code, during a covered period of service as though that covered period of service is a medical emergency.

(3) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to the employing agency and the Office of Personnel Management.

(B) DESIGNATION OF SPOUSE.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(4) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the designation of an employee as a caregiver.

1 (5) REGULATIONS.—Not later than 120 days
 2 after the date of enactment of this Act, the Office
 3 of Personnel Management shall prescribe regulations
 4 to carry out this subsection.

5 (6) TERMINATION.—The program under this
 6 subsection shall terminate on December 31, 2007.

7 (b) VOLUNTARY PRIVATE SECTOR LEAVE PRO-
 8 GRAM.—

9 (1) DEFINITIONS.—

10 (A) CAREGIVER.—The term “caregiver”
 11 means an individual who—

12 (i) is an employee;

13 (ii) is at least 21 years of age; and

14 (iii) is capable of self care and care of
 15 children or other dependent family mem-
 16 bers of a qualified member of the Armed
 17 Forces.

18 (B) COVERED PERIOD OF SERVICE.—The
 19 term “covered period of service” means any pe-
 20 riod of service performed by an employee as a
 21 caregiver while the individual who designated
 22 the caregiver under paragraph (4) remains a
 23 qualified member of the Armed Forces.

1 (C) EMPLOYEE.—The term “employee”
2 means an employee of a business entity partici-
3 pating in the program under this subsection.

4 (D) FAMILY MEMBER.—The term “family
5 member” includes—

6 (i) individuals for whom the qualified
7 member of the Armed Forces provides
8 medical, financial, and logistical support
9 (such as housing, food, clothing, or trans-
10 portation); and

11 (ii) children under the age of 19
12 years, elderly adults, persons with disabili-
13 ties, and other persons who are unable to
14 care for themselves in the absence of the
15 qualified member of the Armed Forces.

16 (E) QUALIFIED MEMBER OF THE ARMED
17 FORCES.—The term “qualified member of the
18 Armed Forces” means—

19 (i) a member of a reserve component
20 of the Armed Forces as described under
21 section 10101 of title 10, United States
22 Code, who has received notice to report to,
23 or is serving on, active duty in the Armed
24 Forces in support of a contingency oper-

1 ation as defined under section 101(a)(13)
 2 of title 10, United States Code; or

3 (ii) a member of the Armed Forces on
 4 active duty who is eligible for hostile fire
 5 or imminent danger special pay under sec-
 6 tion 310 of title 37, United States Code.

7 (2) ESTABLISHMENT OF PROGRAM.—

8 (A) IN GENERAL.—The Secretary of Labor
 9 shall establish a program to authorize employ-
 10 ees of business entities described under para-
 11 graph (3) to use sick leave, or any other leave
 12 available to an employee, during a covered pe-
 13 riod of service in the same manner and to the
 14 same extent as annual leave (or its equivalent)
 15 is used.

16 (B) EXCEPTION.—Subparagraph (A) shall
 17 not apply to leave made available under the
 18 Family and Medical Leave Act of 1993 (29
 19 U.S.C. 2601 et seq.).

20 (3) VOLUNTARY BUSINESS PARTICIPATION.—

21 The Secretary of Labor shall solicit business entities
 22 to voluntarily participate in the program under this
 23 subsection.

24 (4) DESIGNATION OF CAREGIVER.—

1 (A) IN GENERAL.—A qualified member of
2 the Armed Forces shall submit a written des-
3 ignation of the individual who is the caregiver
4 for any family member of that member of the
5 Armed Forces during a covered period of serv-
6 ice to the employing business entity.

7 (B) DESIGNATION OF SPOUSE.—Notwith-
8 standing paragraph (1)(A)(ii), an individual
9 less than 21 years of age may be designated as
10 a caregiver if that individual is the spouse of
11 the qualified member of the Armed Forces mak-
12 ing the designation.

13 (5) USE OF CAREGIVER LEAVE.—Leave may
14 only be used under this subsection for purposes di-
15 rectly relating to, or resulting from, the designation
16 of an employee as a caregiver.

17 (6) REGULATIONS.—Not later than 120 days
18 after the date of enactment of this Act, the Sec-
19 retary of Labor shall prescribe regulations to carry
20 out this subsection.

21 (7) TERMINATION.—The program under this
22 subsection shall terminate on December 31, 2007.

23 (c) GAO REPORT.—Not later than June 30, 2007,
24 the Government Accountability Office shall submit a re-

1 port to Congress on the programs under subsections (a)
2 and (b) that includes—

3 (1) an evaluation of the success of each pro-
4 gram; and

5 (2) recommendations for the continuance or
6 termination of each program.

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