

110TH CONGRESS  
1ST SESSION

# S. 1894

To amend the Family and Medical Leave Act of 1993 to provide family and medical leave to primary caregivers of servicemembers with combat-related injuries.

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## IN THE SENATE OF THE UNITED STATES

JULY 27 (legislative day, JULY 26), 2007

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

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## A BILL

To amend the Family and Medical Leave Act of 1993 to provide family and medical leave to primary caregivers of servicemembers with combat-related injuries.

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 “Support for Injured  
5       Servicemembers Act of 2007”.

1 **SEC. 2. SERVICEMEMBER FAMILY LEAVE.**

2 (a) DEFINITIONS.—Section 101 of the Family and  
3 Medical Leave Act of 1993 (29 U.S.C. 2611) is amended  
4 by adding at the end the following:

5 “(14) COMBAT-RELATED INJURY.—The term  
6 ‘combat-related injury’ means an injury or illness  
7 that was incurred (as determined under criteria pre-  
8 scribed by the Secretary of Defense)—

9 “(A) as a direct result of armed conflict;

10 “(B) while an individual was engaged in  
11 hazardous service;

12 “(C) in the performance of duty under  
13 conditions simulating war; or

14 “(D) through an instrumentality of war.

15 “(15) SERVICEMEMBER.—The term  
16 ‘servicemember’ means a member of the Armed  
17 Forces.”.

18 (b) ENTITLEMENT TO LEAVE.—Section 102(a) of  
19 such Act (29 U.S.C. 2612(a)) is amended by adding at  
20 the end the following:

21 “(3) SERVICEMEMBER FAMILY LEAVE.—Subject  
22 to section 103, an eligible employee who is the pri-  
23 mary caregiver for a servicemember with a combat-  
24 related injury shall be entitled to a total of 26 work-  
25 weeks of leave during any 12-month period to care  
26 for the servicemember.

1 “(4) COMBINED LEAVE TOTAL.—An eligible  
 2 employee shall be entitled to a combined total of 26  
 3 workweeks of leave under paragraphs (1) and (3).”.

4 (c) REQUIREMENTS RELATING TO LEAVE.—

5 (1) SCHEDULE.—Section 102(b) of such Act  
 6 (29 U.S.C. 2612(b)) is amended—

7 (A) in paragraph (1), by inserting after  
 8 the second sentence the following: “Subject to  
 9 paragraph (2), leave under subsection (a)(3)  
 10 may be taken intermittently or on a reduced  
 11 leave schedule”; and

12 (B) in paragraph (2), by inserting “or sub-  
 13 section (a)(3)” after “subsection (a)(1)”.

14 (2) SUBSTITUTION OF PAID LEAVE.—Section  
 15 102(d) of such Act (29 U.S.C. 2612(d)) is amend-  
 16 ed—

17 (A) in paragraph (1)—

18 (i) by inserting “(or 26 workweeks in  
 19 the case of leave provided under subsection  
 20 (a)(3))” after “12 workweeks” the first  
 21 place it appears; and

22 (ii) by inserting “(or 26 workweeks,  
 23 as appropriate)” after “12 workweeks” the  
 24 second place it appears; and

1 (B) in paragraph (2)(B), by adding at the  
 2 end the following: “An eligible employee may  
 3 elect, or an employer may require the employee,  
 4 to substitute any of the accrued paid vacation  
 5 leave, personal leave, family leave, or medical or  
 6 sick leave of the employee for leave provided  
 7 under subsection (a)(3) for any part of the 26-  
 8 week period of such leave under such sub-  
 9 section.”.

10 (3) NOTICE.—Section 102(e) of such Act (29  
 11 U.S.C. 2612(e)) is amended by adding at the end  
 12 the following:

13 “(3) NOTICE FOR SERVICEMEMBER FAMILY  
 14 LEAVE.—In any case in which an employee seeks  
 15 leave under subsection (a)(3), the employee shall  
 16 provide such notice as is practicable.”.

17 (4) CERTIFICATION.—Section 103 of such Act  
 18 (29 U.S.C. 2613) is amended by adding at the end  
 19 the following:

20 “(f) CERTIFICATION FOR SERVICEMEMBER FAMILY  
 21 LEAVE.—An employer may require that a request for  
 22 leave under section 102(a)(3) be supported by a certifi-  
 23 cation issued at such time and in such manner as the Sec-  
 24 retary may by regulation prescribe.”.

1           (5) FAILURE TO RETURN.—Section 104(c) of  
2 such Act (29 U.S.C. 2614(c)) is amended—

3           (A) in paragraph (2)(B)(i), by inserting  
4           “or section 102(a)(3)” before the semicolon;  
5           and

6           (B) in paragraph (3)(A)—

7           (i) in clause (i), by striking “or” at  
8           the end;

9           (ii) in clause (ii), by striking the pe-  
10          riod and inserting “; or”; and

11          (iii) by adding at the end the fol-  
12          lowing:

13               “(iii) a certification issued by the  
14               health care provider of the person for  
15               whom the employee is the primary care-  
16               giver, in the case of an employee unable to  
17               return to work because of a condition spec-  
18               ified in section 102(a)(3).”.

19          (6) ENFORCEMENT.—Section 107 of such Act  
20          (29 U.S.C. 2617) is amended, in subsection  
21          (a)(1)(A)(i)(II), by inserting “(or 26 weeks, in a  
22          case involving leave under section 102(a)(3))” after  
23          “12 weeks”.

24          (7) INSTRUCTIONAL EMPLOYEES.—Section 108  
25          of such Act (29 U.S.C. 2618) is amended, in sub-

1 sections (c)(1), (d)(2), and (d)(3), by inserting “or  
 2 section 102(a)(3)” after “section 102(a)(1)”.

3 **SEC. 3. SERVICEMEMBER FAMILY LEAVE FOR CIVIL SERV-**  
 4 **ICE EMPLOYEES.**

5 (a) DEFINITIONS.—Section 6381 of title 5, United  
 6 States Code, is amended—

7 (1) in paragraph (5), by striking “and” at the  
 8 end;

9 (2) in paragraph (6), by striking the period and  
 10 inserting “; and”; and

11 (3) by adding at the end the following:

12 “(7) the term ‘combat-related injury’ means an  
 13 injury or illness that was incurred (as determined  
 14 under criteria prescribed by the Secretary of De-  
 15 fense)—

16 “(A) as a direct result of armed conflict;

17 “(B) while an individual was engaged in  
 18 hazardous service;

19 “(C) in the performance of duty under  
 20 conditions simulating war; or

21 “(D) through an instrumentality of war;  
 22 and

23 “(8) the term ‘servicemember’ means a member  
 24 of the Armed Forces.”.

1 (b) ENTITLEMENT TO LEAVE.—Section 6382(a) of  
 2 such title is amended by adding at the end the following:

3 “(3) Subject to section 6383, an employee who  
 4 is the primary caregiver for a servicemember with a  
 5 combat-related injury shall be entitled to a total of  
 6 26 administrative workweeks of leave during any 12-  
 7 month period to care for the servicemember.

8 “(4) An employee shall be entitled to a com-  
 9 bined total of 26 administrative workweeks of leave  
 10 under paragraphs (1) and (3).”.

11 (c) REQUIREMENTS RELATING TO LEAVE.—

12 (1) SCHEDULE.—Section 6382(b) of such title  
 13 is amended—

14 (A) in paragraph (1), by inserting after  
 15 the second sentence the following: “Subject to  
 16 paragraph (2), leave under subsection (a)(3)  
 17 may be taken intermittently or on a reduced  
 18 leave schedule.”; and

19 (B) in paragraph (2), by inserting “or sub-  
 20 section (a)(3)” after “subsection (a)(1)”.

21 (2) SUBSTITUTION OF PAID LEAVE.—Section  
 22 6382(d) of such title is amended by adding at the  
 23 end the following: “An employee may elect to sub-  
 24 stitute for leave under subsection (a)(3) any of the  
 25 employee’s accrued or accumulated annual or sick

1 leave under subchapter I for any part of the 26-week  
2 period of leave under such subsection.”.

3 (3) NOTICE.—Section 6382(e) of such title is  
4 amended by adding at the end the following:

5 “(3) In any case in which an employee seeks leave  
6 under subsection (a)(3), the employee shall provide such  
7 notice as is practicable.”.

8 (4) CERTIFICATION.—Section 6383 of such title  
9 is amended by adding at the end the following:

10 “(f) An employing agency may require that a request  
11 for leave under section 6382(a)(3) be supported by a cer-  
12 tification issued at such time and in such manner as the  
13 Office of Personnel Management may by regulation pre-  
14 scribe.”.

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