

111TH CONGRESS
1ST SESSION

H. R. 3403

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 HOUSE OF REPRESENTATIVES

JULY 30, 2009

Ms. WOOLSEY (for herself, Mr. ALTMIRE, and Mr. GEORGE MILLER of California) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform and House Administration, 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

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”.

**TITLE I—GENERAL
REQUIREMENTS FOR LEAVE**

SEC. 101. DEFINITION OF COVERED ACTIVE DUTY.

(a) DEFINITION.—Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is amended—

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

“(14) COVERED ACTIVE DUTY.—The term ‘covered active duty’ means—

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

“(B) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.”; and

(2) by striking paragraph (15) and redesignating paragraphs (16) through (19) as paragraphs (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”.

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

2 Paragraph (15) of section 101 of the Family and
3 Medical Leave Act of 1993 (29 U.S.C. 2611) (as redesign-
4 nated by section 101) is amended to read as follows:

5 “(15) COVERED SERVICEMEMBER.—The term
6 ‘covered servicemember’ means—

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

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

22 **SEC. 103. DEFINITIONS OF SERIOUS INJURY OR ILLNESS;**
23 **VETERAN.**

24 Section 101 of the Family and Medical Leave Act of
25 1993 (29 U.S.C. 2611) is further amended by striking

1 paragraph (18) (as redesignated by section 101) and in-
2 serting the following:

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

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

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

1 itself before or after the member became a vet-
 2 eran.

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

6 **SEC. 104. TECHNICAL AMENDMENT.**

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

11 **SEC. 105. REGULATIONS.**

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

16 **TITLE II—LEAVE FOR CIVIL**
 17 **SERVICE EMPLOYEES**

18 **SEC. 201. EXIGENCY LEAVE FOR SERVICEMEMBERS ON**
 19 **COVERED ACTIVE DUTY.**

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

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

23 “(A) in the case of a member of a regular
 24 component of the Armed Forces, duty during

1 the deployment of the member with the Armed
2 Forces to a foreign country; and

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

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

12 (1) in subsection (a)(1), by adding at the end
13 the following:

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

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

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

1 (4) in subsection (e), by adding at the end the
2 following:

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

10 (c) CERTIFICATION.—Section 6383(f) of title 5,
11 United States Code, is amended by striking “section
12 6382(a)(3)” and inserting “paragraph (1)(E) or (3) of
13 section 6382(a)”.

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

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

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

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

“(B) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy;”.

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

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

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

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

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

“(A) in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and

1 that may render the member medically unfit to
2 perform the duties of the member's office,
3 grade, rank, or rating; and

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

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

19 **SEC. 204. TECHNICAL AMENDMENT.**

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

23 **SEC. 205. REGULATIONS.**

24 The Office of Personnel Management, after consulta-
25 tion with the Secretary of Defense and Secretary of Vet-

1 erans Affairs, shall prescribe such regulations as are nec-
2 essary to carry out the amendments made by this title.

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