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To expand family and medical leave in support of servicemembers with
combat-related injuries.

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2007

Mr. DODD (for himself, Mrs. CLINTON, Mrs. DOLE, Mr. GRAHAM, Mr. KENNEDY, Mr. CHAMBLISS, Mr. REED, Ms. MIKULSKI, Mrs. MURRAY, Mr. SALAZAR, Mr. LIEBERMAN, Mr. MENENDEZ, Mr. BROWN, Mr. NELSON of Nebraska, Mr. CARDIN, and Mr. HARKIN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To expand family and medical leave in support 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”.

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) ACTIVE DUTY.—The term ‘active duty’
6 means duty under a call or order to active duty
7 under a provision of law referred to in section
8 101(a)(13)(B) of title 10, United States Code.

9 “(15) COVERED SERVICEMEMBER.—The term
10 ‘covered servicemember’ means a member of the
11 Armed Forces, including a member of the National
12 Guard or a Reserve, who is undergoing medical
13 treatment, recuperation, or therapy, is otherwise in
14 medical hold or medical holdover status, or is other-
15 wise on the temporary disability retired list, for a se-
16 rious injury or illness.

17 “(16) MEDICAL HOLD OR MEDICAL HOLDOVER
18 STATUS.—The term ‘medical hold or medical hold-
19 over status’ means—

20 “(A) the status of a member of the Armed
21 Forces, including a member of the National
22 Guard or a Reserve, assigned or attached to a
23 military hospital for medical care; and

24 “(B) the status of a member of a reserve
25 component of the Armed Forces who is sepa-
26 rated, whether pre-deployment or post-deploy-

1 ment, from the member's unit while in need of
2 health care based on a medical condition identi-
3 fied while the member is on active duty in the
4 Armed Forces.

5 “(17) NEXT OF KIN.—The term ‘next of kin’,
6 used with respect to an individual, means the near-
7 est blood relative of that individual.

8 “(18) SERIOUS INJURY OR ILLNESS.—The term
9 ‘serious injury or illness’, in the case of a member
10 of the Armed Forces, means an injury or illness in-
11 curred by the member in line of duty on active duty
12 in the Armed Forces that may render the member
13 medically unfit to perform the duties of the mem-
14 ber's office, grade, rank, or rating.”.

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

18 “(3) SERVICEMEMBER FAMILY LEAVE.—Subject
19 to section 103, an eligible employee who is the
20 spouse, son, daughter, parent, or next of kin of a
21 covered servicemember shall be entitled to a total of
22 26 workweeks of leave during a 12-month period to
23 care for the servicemember. The leave described in
24 this paragraph shall only be available during a single
25 12-month period.

1 “(4) COMBINED LEAVE TOTAL.—During the
2 single 12-month period described in paragraph (3),
3 an eligible employee shall be entitled to a combined
4 total of 26 workweeks of leave under paragraphs (1)
5 and (3). Nothing in this paragraph shall be con-
6 strued to limit the availability of leave under para-
7 graph (1) during any other 12-month period.”.

8 (c) REQUIREMENTS RELATING TO LEAVE.—

9 (1) SCHEDULE.—Section 102(b) of such Act
10 (29 U.S.C. 2612(b)) is amended—

11 (A) in paragraph (1), in the second sen-
12 tence—

13 (i) by striking “section 103(b)(5)”
14 and inserting “subsection (b)(5) or (f) (as
15 appropriate) of section 103”; and

16 (ii) by inserting “or under subsection
17 (a)(3)” after “subsection (a)(1)”; and

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

21 (2) SUBSTITUTION OF PAID LEAVE.—Section
22 102(d) of such Act (29 U.S.C. 2612(d)) is amend-
23 ed—

24 (A) in paragraph (1)—

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

5 (ii) by inserting “(or 26 workweeks,
6 as appropriate)” after “12 workweeks” the
7 second place it appears; and

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

17 (3) NOTICE.—Section 102(e)(2) of such Act
18 (29 U.S.C. 2612(e)(2)) is amended by inserting “or
19 under subsection (a)(3)” after “subsection (a)(1)”.

20 (4) SPOUSES EMPLOYED BY SAME EM-
21 PLOYER.—Section 102(f) of such Act (29 U.S.C.
22 2612(f)) is amended—

23 (A) by redesignating paragraphs (1) and
24 (2) as subparagraphs (A) and (B), and aligning

1 the margins of the subparagraphs with the
2 margins of section 102(e)(2)(A);

3 (B) by striking “In any” and inserting the
4 following:

5 “(1) IN GENERAL.—In any”; and

6 (C) by adding at the end the following:

7 “(2) SERVICEMEMBER FAMILY LEAVE.—

8 “(A) IN GENERAL.—The aggregate num-
9 ber of workweeks of leave to which both that
10 husband and wife may be entitled under sub-
11 section (a) may be limited to 26 workweeks
12 during the single 12-month period described in
13 subsection (a)(3) if the leave is—

14 “(i) leave under subsection (a)(3); or

15 “(ii) a combination of leave under
16 subsection (a)(3) and leave described in
17 paragraph (1).

18 “(B) BOTH LIMITATIONS APPLICABLE.—If
19 the leave taken by the husband and wife in-
20 cludes leave described in paragraph (1), the
21 limitation in paragraph (1) shall apply to the
22 leave described in paragraph (1).”.

23 (d) CERTIFICATION.—Section 103 of such Act (29
24 U.S.C. 2613) is amended by adding at the end the fol-
25 lowing:

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

6 (e) FAILURE TO RETURN.—Section 104(c) of such
7 Act (29 U.S.C. 2614(c)) is amended—

8 (1) in paragraph (2)(B)(i), by inserting “or
9 under section 102(a)(3)” before the semicolon; and

10 (2) in paragraph (3)(A)—

11 (A) in clause (i), by striking “or” at the
12 end;

13 (B) in clause (ii), by striking the period
14 and inserting “; or”; and

15 (C) by adding at the end the following:

16 “‘(iii) a certification issued by the
17 health care provider of the servicemember
18 being cared for by the employee, in the
19 case of an employee unable to return to
20 work because of a condition specified in
21 section 102(a)(3).’”.

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

1 (g) INSTRUCTIONAL EMPLOYEES.—Section 108 of
2 such Act (29 U.S.C. 2618) is amended, in subsections
3 (c)(1), (d)(2), and (d)(3), by inserting “or under section
4 102(a)(3)” after “section 102(a)(1)”.

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

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

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

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

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

14 “(7) the term ‘active duty’ means duty under a
15 call or order to active duty under a provision of law
16 referred to in section 101(a)(13)(B) of title 10,
17 United States Code;

18 “(8) the term ‘covered servicemember’ means a
19 member of the Armed Forces, including a member
20 of the National Guard or a Reserve, who is under-
21 going medical treatment, recuperation, or therapy, is
22 otherwise in medical hold or medical holdover status,
23 or is otherwise on the temporary disability retired
24 list, for a serious injury or illness;

1 “(9) the term ‘medical hold or medical holdover
2 status’ means—

3 “(A) the status of a member of the Armed
4 Forces, including a member of the National
5 Guard or a Reserve, assigned or attached to a
6 military hospital for medical care; and

7 “(B) the status of a member of a reserve
8 component of the Armed Forces who is sepa-
9 rated, whether pre-deployment or post-deploy-
10 ment, from the member’s unit while in need of
11 health care based on a medical condition identi-
12 fied while the member is on active duty in the
13 Armed Forces;

14 “(10) the term ‘next of kin’, used with respect
15 to an individual, means the nearest blood relative of
16 that individual; and

17 “(11) the term ‘serious injury or illness’, in the
18 case of a member of the Armed Forces, means an
19 injury or illness incurred by the member in line of
20 duty on active duty in the Armed Forces that may
21 render the member medically unfit to perform the
22 duties of the member’s office, grade, rank, or rat-
23 ing.”.

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

1 “(3) Subject to section 6383, an employee who
2 is the spouse, son, daughter, parent, or next of kin
3 of a covered servicemember shall be entitled to a
4 total of 26 administrative workweeks of leave during
5 a 12-month period to care for the servicemember.
6 The leave described in this paragraph shall only be
7 available during a single 12-month period.

8 “(4) During the single 12-month period de-
9 scribed in paragraph (3), an employee shall be enti-
10 tled to a combined total of 26 administrative work-
11 weeks of leave under paragraphs (1) and (3). Noth-
12 ing in this paragraph shall be construed to limit the
13 availability of leave under paragraph (1) during any
14 other 12-month period.”.

15 (c) REQUIREMENTS RELATING TO LEAVE.—

16 (1) SCHEDULE.—Section 6382(b) of such title
17 is amended—

18 (A) in paragraph (1), in the second sen-
19 tence—

20 (i) by striking “section 6383(b)(5)”
21 and inserting “subsection (b)(5) or (f) (as
22 appropriate) of section 6383”; and

23 (ii) by inserting “or under subsection
24 (a)(3)” after “subsection (a)(1)”; and

1 (B) in paragraph (2), by inserting “or
2 under subsection (a)(3)” after “subsection
3 (a)(1)”.

4 (2) SUBSTITUTION OF PAID LEAVE.—Section
5 6382(d) of such title is amended by adding at the
6 end the following: “An employee may elect to sub-
7 stitute for leave under subsection (a)(3) any of the
8 employee’s accrued or accumulated annual or sick
9 leave under subchapter I for any part of the 26-week
10 period of leave under such subsection.”.

11 (3) NOTICE.—Section 6382(e) of such title is
12 amended by inserting “or under subsection (a)(3)”
13 after “subsection (a)(1)”.

14 (d) CERTIFICATION.—Section 6383 of such title is
15 amended by adding at the end the following:

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

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