

AMENDMENT TO RULES COMMITTEE PRINT 119-8

OFFERED BY MR. MOYLAN OF GUAM

At the end of subtitle H of title V add the following new section:

1 SEC. 5____. IMPROVEMENTS TO FAMILY AND MEDICAL
2 LEAVE FOR MILITARY FAMILIES.

3 (a) FAMILY AND MEDICAL LEAVE ACT OF 1993.—

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

(A) in paragraph (7), by striking “employee” each place it appears and inserting “employee or covered servicemember”;

10 (B) by amending paragraph (12) to read
11 as follows:

12 “(12) SON OR DAUGHTER.—

“(A) IN GENERAL.—Subject to subparagraph (B), the term ‘son or daughter’ means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is—

18 “(i) under 18 years of age; or

1 “(ii) 18 years of age or older and in-
2 capable of self-care because of a mental or
3 physical disability.

4 “(B) SERVICEMEMBER AND VETERAN
5 LEAVE.—For the purposes of leave under para-
6 graphs (1)(E) and (3) of section 102(a), the
7 term ‘son or daughter’ means, regardless of
8 age, a biological, adopted, or foster child, a
9 stepchild, a legal ward, a child of a person
10 standing in loco parentis, or the child of a cov-
11 ered servicemember’s domestic partner.”;

12 (C) in paragraph (14), by amending sub-
13 paragraph (B) to read as follows:

14 “(B) in the case of a member of a reserve
15 component of the Armed Forces—

16 “(i) duty during the deployment of
17 the member with the Armed Forces under
18 a call or order to active duty under a pro-
19 vision of law referred to in section
20 101(a)(13)(B) of title 10, United States
21 Code;

22 “(ii) duty pursuant to title 32, United
23 States Code; or

24 “(iii) covered State active duty.”;

1 (D) in paragraph (15)(B), by striking
2 “and who was a member of the Armed Forces”
3 and all that follows through the period at the
4 end of the subparagraph and inserting a period;

5 (E) in paragraph (18)—

6 (i) in subparagraph (A), by striking “;
7 and” and inserting a semicolon;

8 (ii) in subparagraph (B)—

9 (I) by striking “at any time dur-
10 ing a period described in paragraph
11 (15)(B)”;

12 (II) by striking the period at the
13 end and inserting “; and”;

14 (iii) by adding at the end the fol-
15 lowing:

16 “(C) in the case of either a member of the
17 Armed Forces (including a member of the Na-
18 tional Guard or Reserves), or a veteran who
19 was such a member, a serious health condition
20 that was incurred by the member in line of duty
21 on active duty in the Armed Forces (or existed
22 before the beginning of the member’s active
23 duty and was aggravated by service in line of
24 duty on active duty in the Armed Forces).”.

25 (F) by adding at the end the following:

1 “(20) ANY OTHER INDIVIDUAL WHOSE CLOSE
2 ASSOCIATION IS THE EQUIVALENT OF A FAMILY RE-
3 LATIONSHIP.—The term ‘any other individual whose
4 close association is the equivalent of a family rela-
5 tionship’, used with respect to a covered servicemem-
6 ber, means any person with whom the covered serv-
7 icemember has a significant personal bond that is or
8 is like a family relationship, regardless of biological
9 or legal relationship.

10 “(21) DOMESTIC PARTNER.—The term ‘domes-
11 tic partner’, used with respect to an employee or
12 covered servicemember, means an adult in a com-
13 mitted relationship with the employee or covered
14 servicemember, including same-sex and opposite-sex
15 relationships.

16 “(22) GRANDCHILD.—The term ‘grandchild’,
17 used with respect to a covered servicemember, means
18 the son or daughter of the covered servicemember.

19 “(23) GRANDPARENT.—The term ‘grand-
20 parent’, used with respect to a covered servicemem-
21 ber, means a parent of a parent of the covered serv-
22 icemember.

23 “(24) NEPHEW; NIECE.—The terms ‘nephew’
24 and ‘niece’, used with respect to a covered service-

1 member, mean a son or daughter of the sibling of
2 the covered servicemember.

3 “(25) PARENT-IN-LAW.— The term ‘parent-in-
4 law’, used with respect to a covered servicemember,
5 means a parent of the spouse or domestic partner of
6 the covered servicemember.

7 “(26) SIBLING.—The term ‘sibling’, used with
8 respect to a covered servicemember, means any per-
9 son who is a son or daughter of parent of the cov-
10 ered servicemember (other than the covered service-
11 member).

12 “(27) SON-IN-LAW; DAUGHTER-IN-LAW.—The
13 terms ‘son-in-law’ and ‘daughter-in-law’, used with
14 respect to a covered servicemember, mean any per-
15 son who is a spouse or domestic partner of a son or
16 daughter, as the case may be, of the covered service-
17 member.

18 “(28) UNCLE; AUNT.—The terms ‘uncle’ and
19 ‘aunt’, used with respect to a covered servicemem-
20 ber, mean the son or daughter, as the case may be,
21 of the grandparent of the covered servicemember
22 (other than the parent of the covered servicemem-
23 ber).

24 “(29) COVERED STATE ACTIVE DUTY.—The
25 term ‘covered State active duty’ means State active

1 duty for a period of 14 days or more, State active
2 duty in response to a national emergency declared
3 by the President under the National Emergencies
4 Act (50 U.S.C. 1601 et seq.), or State active duty
5 in response to a major disaster declared by the
6 President under section 401 of the Robert T. Staf-
7 ford Disaster Relief and Emergency Assistance Act
8 (42 U.S.C. 5170).

9 “(30) STATE ACTIVE DUTY.—The term ‘State
10 active duty’ has the same meaning given the term in
11 section 4303(15) of title 38, United States Code.”.

12 (2) LEAVE REQUIREMENT.—

13 (A) IN GENERAL.—Section 102(a) of the
14 Family and Medical Leave Act of 1993 (29
15 U.S.C. 2612(a)) is amended—

16 (i) in paragraph (1)(E), by inserting
17 “or domestic partner” after “spouse”;

18 (ii) by amending paragraph (3) to
19 read as follows:

20 “(3) SERVICEMEMBER FAMILY LEAVE.—Not-
21 withstanding paragraph (1) and subject to section
22 103, an eligible employee who is the spouse or do-
23 mestic partner, son or daughter, son-in-law or
24 daughter-in-law, parent, parent-in-law, grandparent,
25 sibling, uncle or aunt, nephew or niece, or next of

1 kin of a covered servicemember, or any other indi-
2 vidual whose close association is the equivalent of a
3 family relationship with a covered servicemember,
4 shall be entitled to a total of 26 workweeks of leave
5 during a 12-month period to care for the service-
6 member.”;

7 (iii) by amending paragraph (4) to
8 read as follows:

9 “(4) COMBINED LEAVE TOTAL.—Subject to
10 subsection (d)(3), an eligible employee shall be enti-
11 tled to not more than a combined total of 26 work-
12 weeks of leave under paragraphs (1), (3), and (6)
13 during any 12-month period.”; and

14 (iv) by adding at the end the fol-
15 lowing:

16 “(6) VETERAN LEAVE.—Notwithstanding para-
17 graph (1) and subject to section 103, an eligible em-
18 ployee who is a covered servicemember described in
19 section 101(15)(B) shall be entitled to a total of 26
20 workweeks of leave during a 12-month period be-
21 cause of a serious injury or illness that makes the
22 employee unable to perform the functions of the po-
23 sition of such employee.”.

24 (B) LEAVE TAKEN INTERMITTENTLY OR
25 ON A REDUCED LEAVE SCHEDULE.—

1 (i) IN GENERAL.—Section 102(b)(1)
2 of such Act (29 U.S.C. 2612(b)(1)) is
3 amended by striking “subsection (a)(3)”
4 and inserting “paragraph (3) or (6) of
5 subsection (a)”.

6 (ii) ALTERNATIVE POSITION.—Section
7 102(b)(2) of such Act (29 U.S.C.
8 2612(b)(2)) is amended by striking “sub-
9 section (a)(3)” and inserting “paragraph
10 (3) or (6) of subsection (a)”.

11 (C) RELATIONSHIP TO PAID LEAVE.—Sec-
12 tion 102(d) of such Act (29 U.S.C. 2612(d)) is
13 amended—

14 (i) in paragraph (1) by striking
15 “under subsection (a)(3))” and inserting
16 “under paragraph (3) or (6) of subsection
17 (a))”; and

18 (ii) in paragraph (2)(B), by striking
19 “subsection (a)(3)” and inserting “para-
20 graph (3) or (6) of subsection (a)”.

21 (D) NOTICE.—Section 102(e) of such Act
22 (29 U.S.C. 2612(e)) is amended by adding at
23 the end the following:

24 “(4) NOTICE FOR VETERAN LEAVE.—In any
25 case in which the necessity for leave under sub-

1 section (a)(6) is foreseeable, the employee shall pro-
2 vide such notice to the employer as is reasonable and
3 practicable.”.

4 (E) CERTIFICATION.—Section 103(a) of
5 such Act (29 U.S.C. 2613(a)) is amended by in-
6 serting “or (6)” after “paragraph (3)”.

7 (F) MAINTENANCE OF HEALTH BENE-
8 FITS.—Section 104(c) of such Act (29 U.S.C.
9 2614(c)) is amended—

10 (i) in paragraph (2)(B)(i)—

11 (I) by inserting “or a serious in-
12 jury or illness, as the case may be,”
13 after “serious health condition”; and

14 (II) by striking “section
15 102(a)(3)” and inserting “paragraph
16 (3) or (6) of section 102(a)”;

17 (ii) in paragraph (3)—

18 (I) in subparagraph (A)—

19 (aa) in clause (ii), by strik-
20 ing “or”;

21 (bb) in clause (iii), by strik-
22 ing the period at the end and in-
23 serting “; or”; and

24 (cc) by adding at the end
25 the following:

1 “(iv) a certification issued by the
2 health care provider of the eligible em-
3 ployee, in the case of an employee unable
4 to return to work because of a serious in-
5 jury or illness specified in section
6 102(a)(6).”; and

7 (II) in subparagraph (C), by add-
8 ing at the end the following:

9 “(iii) LEAVE DUE TO A SERIOUS IN-
10 JURY OR ILLNESS OF EMPLOYEE.—The
11 certification described in subparagraph
12 (A)(iv) shall be sufficient if the certifi-
13 cation states that a serious injury or illness
14 prevented the employee from being able to
15 perform the functions of the position of the
16 employee on the date that the leave of the
17 employee expired.

18 “(iv) LEAVE DUE TO A SERIOUS IN-
19 JURY OR ILLNESS OF A FAMILY MEMBER
20 WHO IS A SERVICEMEMBER.—The certifi-
21 cation described in subparagraph (A)(i)
22 shall be sufficient if the certification states
23 that the employee is needed to care for
24 covered servicemember on the date that the
25 leave of the employee expired.”.

1 (G) ENFORCEMENT.—Section
2 107(a)(1)(A)(i)(II) of such Act (29 U.S.C.
3 2617(a)(1)(A)(i)(II)) is amended by striking
4 “section 102(a)(3)” and inserting “paragraph
5 (3) or (6) of section 102(a)”.

6 (b) FEDERAL CIVILIAN EMPLOYEES.—

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

9 (A) in paragraph (3), by striking “em-
10 ployee” each place it appears and inserting
11 “employee or covered servicemember”;

12 (B) by striking paragraphs (6) and (7) and
13 inserting the following:

14 “(6) the term ‘son or daughter’ means a bio-
15 logical, adopted, or foster child, a stepchild, a legal
16 ward, or a child of a person standing in loco
17 parentis—

18 “(A) who is—

19 “(i) under 18 years of age; or

20 “(ii) 18 years of age or older and in-
21 capable of self-care because of a mental or
22 physical disability; or

23 “(B) for the purposes of leave under sec-
24 tion 6382(a)(1)(e) or section 6382(a)(3)(A), in-
25 cludes (regardless of age) any child, stepchild,

1 legal ward, or child of a person standing in loco
2 parentis;

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

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

8 “(B) in the case of a member of a reserve
9 component of the Armed Forces—

10 “(i) duty during the deployment of
11 the member with the Armed Forces under
12 a call or order to active duty under a pro-
13 vision of law referred to in section
14 101(a)(13)(B) of title 10;

15 “(ii) duty pursuant to title 32; or

16 “(iii) State active duty (defined for
17 purposes of this clause as having the
18 meaning of such term in section 4303(15)
19 of title 38) for a period of 14 days or
20 more, State active duty in response to a
21 national emergency declared by the Presi-
22 dent under the National Emergencies Act
23 (50 U.S.C. 1601 et seq.), or State active
24 duty in response to a major disaster de-
25 clared by the President under section 401

1 of the Robert T. Stafford Disaster Relief
2 and Emergency Assistance Act (42 U.S.C.
3 5170);”;

4 (C) in paragraph (8)(B), by striking “and
5 who was” through “therapy;” and inserting a
6 semicolon;

7 (D) in paragraph (11)—

8 (i) by striking “and” at the end of
9 subparagraph (A);

10 (ii) in subparagraph (B)—

11 (I) by striking “at any time dur-
12 ing a period described in paragraph
13 (8)(B)”;

14 (II) by striking “and” at the end;
15 and

16 (iii) by inserting after subparagraph
17 (B) the following:

18 “(C) in the case of either a member of the
19 Armed Forces (including a member of the Na-
20 tional Guard or Reserves), or a veteran who
21 was such a member, a serious health condition
22 that was incurred by the member in line of duty
23 on active duty in the Armed Forces (or existed
24 before the beginning of the member’s active

1 duty and was aggravated by service in line of
2 duty on active duty in the Armed Forces);”;

3 (E) in paragraph (12), by striking the pe-
4 riod at the end and inserting “; and”; and

5 (F) by adding at the end the following:

6 “(13) the term ‘spouse’, used with respect to an
7 employee for leave under section 6382(a)(1)(E), in-
8 cludes a domestic partner (defined as an adult in a
9 committed relationship with another adult, including
10 same-sex and opposite-sex relationships).”.

11 (2) SERVICEMEMBER CARE AND VETERAN
12 LEAVE.—Section 6382 of title 5, United States
13 Code, is amended—

14 (A) by striking subsection (a)(3) and in-
15 serting the following:

16 “(3)(A) Subject to section 6383, an employee
17 who is the spouse, son or daughter, son-in-law or
18 daughter-in-law, parent, parent-in-law, grandparent,
19 sibling, uncle or aunt, nephew or niece, or next of
20 kin of a covered servicemember, or any other indi-
21 vidual whose close association is the equivalent of a
22 family relationship with a covered servicemember,
23 shall be entitled to a total of 26 workweeks of leave
24 during a 12-month period to care for the service-
25 member.

1 “(B) Subject to section 6383, an employee who
2 is a covered servicemember shall be entitled to a
3 total of 26 workweeks of leave during a 12-month
4 period because of a serious injury or illness that
5 makes the employee unable to perform the functions
6 of the position of such employee.

7 “(C) For the purposes of subparagraph (A), the
8 following definitions apply:

9 “(i) ANY OTHER INDIVIDUAL WHOSE
10 CLOSE ASSOCIATION IS THE EQUIVALENT OF A
11 FAMILY RELATIONSHIP.—The term ‘any other
12 individual whose close association is the equiva-
13 lent of a family relationship’, used with respect
14 to a covered servicemember, means any person
15 with whom the covered servicemember has a
16 significant personal bond that is or is like a
17 family relationship, regardless of biological or
18 legal relationship.

19 “(ii) GRANDCHILD.—The term ‘grand-
20 child’, used with respect to a covered service-
21 member, means the son or daughter of the cov-
22 ered servicemember.

23 “(iii) GRANDPARENT.—The term ‘grand-
24 parent’, used with respect to a covered service-

1 member, means a parent of a parent of the cov-
2 ered servicemember.

3 “(iv) NEPHEW; NIECE.—The terms ‘neph-
4 ew’ and ‘niece’, used with respect to a covered
5 servicemember, mean a son or daughter of the
6 sibling of the covered servicemember.

7 “(v) PARENT-IN-LAW.— The term ‘parent-
8 in-law’, used with respect to a covered service-
9 member, means a parent of the spouse or do-
10 mestic partner of the covered servicemember.

11 “(vi) SIBLING.—The term ‘sibling’, used
12 with respect to a covered servicemember, means
13 any person who is a son or daughter of parent
14 of the covered servicemember (other than the
15 covered servicemember).

16 “(vii) SON-IN-LAW; DAUGHTER-IN-LAW.—
17 The terms ‘son-in-law’ and ‘daughter-in-law’,
18 used with respect to a covered servicemember,
19 mean any person who is a spouse or domestic
20 partner of a son or daughter, as the case may
21 be, of the covered servicemember.

22 “(viii) UNCLE; AUNT.—The terms ‘uncle’
23 and ‘aunt’, used with respect to a covered serv-
24 icemember, mean the son or daughter, as the
25 case may be, of the grandparent of the covered

1 servicemember (other than the parent of the
2 covered servicemember).”.

3 (B) in subsection (e), by adding at the end
4 the following:

5 “(4) In any case in which the necessity for leave
6 under subsection (a)(3)(B) is foreseeable, the employee
7 shall provide such notice to the employer as is reasonable
8 and practicable.”.

9 (3) CERTIFICATION.—Section 6383 of title 5,
10 United States Code, is amended—

11 (A) in subsection (a), by striking “sub-
12 paragraph (C) or (D) of section 6382(a)(1)”
13 and inserting “subparagraph (C) or (D) of
14 paragraph (1) of section 6382(a) or subpara-
15 graph (A) or (B) of paragraph (3) of such sec-
16 tion”; and

17 (B) in subsection (b)—

18 (i) in paragraph (1), by inserting “or
19 serious injury or illness, as the case may
20 be,” after “serious health condition”; and

21 (ii) in paragraph (4)—

22 (I) in subparagraph (A)—

23 (aa) by striking “section
24 6382(a)(1)(C)” and inserting

1 “paragraph (1)(C) or paragraph
2 (3)(A) of section 6382(a)”; and
3 (bb) by inserting “covered
4 servicemember,” before “son” in
5 each place it appears; and
6 (II) in subparagraph (B), by
7 striking “section 6382(a)(1)(D)” and
8 inserting “paragraph (1)(D) or para-
9 graph (3)(B) of section 6382(a)”.

10 (c) LIMIT OF APPLICATION OF AMENDMENTS.—This
11 section and the amendments made by this section shall
12 not apply to the Congress or any congressional employee
13 (as that term is defined in section 2107 of title 5, United
14 States Code).

