

SEC. 565. FAMILY AND MEDICAL LEAVE FOR FAMILY OF SERVICEMEMBERS.

(a) General Requirements for Leave-

(1) 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--

(i) 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

(ii) by striking paragraph (15) and redesignating paragraphs (16) through (19) as paragraphs (15) through (18), respectively.

(B) LEAVE- Section 102 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612) is amended--

(i) in subsection (a)(1)(E)--

(I) by striking `active duty' each place it appears and inserting `covered active duty'; and

(II) by striking `in support of a contingency operation'; and

(ii) in subsection (e)(3)--

(I) in the paragraph heading, by striking `ACTIVE DUTY' and inserting `COVERED ACTIVE DUTY';

(II) by striking `active duty' each place it appears and inserting `covered active duty'; and

(III) by striking `in support of a contingency operation'.

(C) CONFORMING AMENDMENT- Section 103(f) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613(f)) is amended, in the subsection heading, by striking `Active Duty' each place it appears and inserting `Covered Active Duty'.

(2) DEFINITION OF COVERED SERVICEMEMBER- Paragraph (15) of section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) (as redesignated by paragraph (1)(A)(ii)) is amended to read as follows:

`(15) COVERED SERVICEMEMBER- The term `covered servicemember' means--

`(A) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient

status, or is otherwise on the temporary disability retired list, for a serious injury or illness; 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.'

(3) DEFINITIONS OF SERIOUS INJURY OR ILLNESS; VETERAN- Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is further amended by striking paragraph (18) (as redesignated by paragraph (1)(A)(ii)) and inserting the following:

`(18) SERIOUS INJURY OR ILLNESS- 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 that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and

`(B) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period described in paragraph (15)(B), means a qualifying (as defined by the Secretary of Labor) 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 that manifested itself before or after the member became a veteran.

`(19) VETERAN- The term `veteran' has the meaning given the term in section 101 of title 38, United States Code.'

(4) TECHNICAL AMENDMENT- Section 102(e)(2)(A) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(e)(2)(A)) is amended by striking `or parent' and inserting `parent, or covered servicemember'.

(5) REGULATIONS- In prescribing regulations to carry out the amendments made by this subsection, the Secretary of Labor shall consult with the Secretary of Defense and the Secretary of Veterans Affairs, as applicable.

(b) Leave for Civil Service Employees-

(1) EXIGENCY LEAVE FOR SERVICEMEMBERS ON COVERED ACTIVE DUTY-

(A) DEFINITION- Section 6381(7) of title 5, United States Code, is amended to read as follows:

`(7) 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;'

(B) LEAVE- Section 6382 of title 5, United States Code, is amended--

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

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

(ii) in subsection (b)(1), by inserting after the second sentence the following: ` Subject to subsection (e)(3) and section 6383(f), leave under subsection (a)(1)(E) may be taken intermittently or on a reduced leave schedule.';

(iii) in subsection (d), by striking `or (D)' and inserting `(D), or (E)'; and

(iv) in subsection (e), by adding at the end the following:

` (3) In any case in which the necessity for leave under subsection (a)(1)(E) is foreseeable, whether because the spouse, or a son, daughter, or parent, of the employee is on covered active duty, or because of notification of an impending call or order to covered active duty, the employee shall provide such notice to the employer as is reasonable and practicable.'.

(C) CERTIFICATION- Section 6383(f) of title 5, United States Code, is amended by striking `section 6382(a)(3)' and inserting `paragraph (1)(E) or (3) of section 6382(a)'.

(2) DEFINITION OF COVERED SERVICEMEMBER- Paragraph (8) of section 6381 of title 5, United States Code, is amended to read as follows:

` (8) the term `covered servicemember' means--

` (A) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; 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;'

(3) DEFINITIONS OF SERIOUS INJURY OR ILLNESS; VETERAN- Section 6381 of title 5, United States Code, is further amended--

(A) in paragraph (10), by striking `and' at the end; and
(B) 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 that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and

`(B) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period described in paragraph (8)(B), 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 that manifested itself before or after the member became a veteran; and

`(12) the term `veteran' has the meaning given the term in section 101 of title 38, United States Code.'

(4) TECHNICAL AMENDMENT- Section 6382(e)(2)(A) of title 5, United States Code, is amended by striking `or parent' and inserting `parent, or covered servicemember'.

(5) REGULATIONS- In prescribing regulations to carry out the amendments made by this subsection, the Office of Personnel Management shall consult with the Secretary of Defense and the Secretary of Veterans Affairs, as applicable.