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(Original Signature of Member)

119TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To improve family and medical leave for military families, and for other  
purposes.

\_\_\_\_\_  
IN THE HOUSE OF REPRESENTATIVES

Mrs. McCLAIN DELANEY introduced the following bill; which was referred to  
the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To improve family and medical leave for military families,  
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 “Making It Likely for  
5 Families of the Military to Live with Leave Access Act”  
6 or the “MIL FMLA Act”.

1 **TITLE I—AMENDMENTS TO FAM-**  
2 **ILY AND MEDICAL LEAVE ACT**  
3 **OF 1993**

4 **SEC. 101. DEFINITIONS.**

5 Section 101 of the Family and Medical Leave Act of  
6 1993 (29 U.S.C. 2611) is amended—

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

10 (2) by amending paragraph (12) to read as fol-  
11 lows:

12 “(12) SON OR DAUGHTER.—

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

18 “(i) under 18 years of age; or

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

22 “(B) SERVICEMEMBER AND VETERAN  
23 LEAVE.—For the purposes of leave under para-  
24 graphs (1)(E) and (3) of section 102(a), the  
25 term ‘son or daughter’ means, regardless of

1 age, a biological, adopted, or foster child, a  
2 stepchild, a legal ward, a child of a person  
3 standing in loco parentis, or the child of a cov-  
4 ered servicemember's domestic partner.”;

5 (3) in paragraph (14), by amending subpara-  
6 graph (B) to read as follows:

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

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

15 “(ii) duty pursuant to title 32, United  
16 States Code; or

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

18 (4) in paragraph (15)(B), by striking “and who  
19 was a member of the Armed Forces” and all that  
20 follows through the period at the end of the sub-  
21 paragraph and inserting a period;

22 (5) in paragraph (18)—

23 (A) in subparagraph (A), by striking “;  
24 and” and inserting a semicolon;

25 (B) in subparagraph (B)—

1 (i) by striking “at any time during a  
2 period described in paragraph (15)(B)”;  
3 and

4 (ii) by striking the period at the end  
5 and inserting “; and”; and

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

7 “(C) in the case of either a member of the  
8 Armed Forces (including a member of the Na-  
9 tional Guard or Reserves), or a veteran who  
10 was such a member, a serious health condition  
11 that was incurred by the member in line of duty  
12 on active duty in the Armed Forces (or existed  
13 before the beginning of the member’s active  
14 duty and was aggravated by service in line of  
15 duty on active duty in the Armed Forces).”.

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

17 “(20) ANY OTHER INDIVIDUAL WHOSE CLOSE  
18 ASSOCIATION IS THE EQUIVALENT OF A FAMILY RE-  
19 LATIONSHIP.—The term ‘any other individual whose  
20 close association is the equivalent of a family rela-  
21 tionship’, used with respect to a covered servicemem-  
22 ber, means any person with whom the covered serv-  
23 icemember has a significant personal bond that is or  
24 is like a family relationship, regardless of biological  
25 or legal relationship.

1           “(21) DOMESTIC PARTNER.—The term ‘domes-  
2       tic partner’, used with respect to an employee or  
3       covered servicemember, means an adult in a com-  
4       mitted relationship with the employee or covered  
5       servicemember, including same-sex and opposite-sex  
6       relationships.

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

10          “(23) GRANDPARENT.—The term ‘grand-  
11       parent’, used with respect to a covered servicemem-  
12       ber, means a parent of a parent of the covered serv-  
13       icemember.

14          “(24) NEPHEW; NIECE.—The terms ‘nephew’  
15       and ‘niece’, used with respect to a covered service-  
16       member, mean a son or daughter of the sibling of  
17       the covered servicemember.

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

22          “(26) SIBLING.—The term ‘sibling’, used with  
23       respect to a covered servicemember, means any per-  
24       son who is a son or daughter of parent of the cov-

1       ered servicemember (other than the covered service-  
2       member).

3           “(27) SON-IN-LAW; DAUGHTER-IN-LAW.—The  
4       terms ‘son-in-law’ and ‘daughter-in-law’, used with  
5       respect to a covered servicemember, mean any per-  
6       son who is a spouse or domestic partner of a son or  
7       daughter, as the case may be, of the covered service-  
8       member.

9           “(28) UNCLE; AUNT.—The terms ‘uncle’ and  
10      ‘aunt’, used with respect to a covered servicemem-  
11      ber, mean the son or daughter, as the case may be,  
12      of the grandparent of the covered servicemember  
13      (other than the parent of the covered servicemem-  
14      ber).

15          “(29) COVERED STATE ACTIVE DUTY.—The  
16      term ‘covered State active duty’ means State active  
17      duty for a period of 14 days or more, State active  
18      duty in response to a national emergency declared  
19      by the President under the National Emergencies  
20      Act (50 U.S.C. 1601 et seq.), or State active duty  
21      in response to a major disaster declared by the  
22      President under section 401 of the Robert T. Staf-  
23      ford Disaster Relief and Emergency Assistance Act  
24      (42 U.S.C. 5170).

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

4   **SEC. 102. LEAVE REQUIREMENT.**

5           (a) IN GENERAL.—Section 102(a) of the Family and  
6   Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is amend-  
7   ed—

8           (1) in paragraph (1)(E), by inserting “or do-  
9           mestic partner” after “spouse”;

10          (2) by amending paragraph (3) to read as fol-  
11       lows:

12           “(3) SERVICEMEMBER FAMILY LEAVE.—Not-  
13       withstanding paragraph (1) and subject to section  
14       103, an eligible employee who is the spouse or do-  
15       mestic partner, son or daughter, son-in-law or  
16       daughter-in-law, parent, parent-in-law, grandparent,  
17       sibling, uncle or aunt, nephew or niece, or next of  
18       kin of a covered servicemember, or any other indi-  
19       vidual whose close association is the equivalent of a  
20       family relationship with a covered servicemember,  
21       shall be entitled to a total of 26 workweeks of leave  
22       during a 12-month period to care for the service-  
23       member.”;

24          (3) by amending paragraph (4) to read as fol-  
25       lows:

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

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

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

15          (b) LEAVE TAKEN INTERMITTENTLY OR ON A RE-  
16          DUCED LEAVE SCHEDULE.—

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

21               (2) ALTERNATIVE POSITION.—Section  
22          102(b)(2) of such Act (29 U.S.C. 2612(b)(2)) is  
23          amended by striking “subsection (a)(3)” and insert-  
24          ing “paragraph (3) or (6) of subsection (a)”.



1 (c) RELATIONSHIP TO PAID LEAVE.—Section 102(d)  
2 of such Act (29 U.S.C. 2612(d)) is amended—

3 (1) in paragraph (1) by striking “under sub-  
4 section (a)(3))” and inserting “under paragraph (3)  
5 or (6) of subsection (a))”; and

6 (2) in paragraph (2)(B), by striking “sub-  
7 section (a)(3)” and inserting “paragraph (3) or (6)  
8 of subsection (a)”.

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

11 “(4) NOTICE FOR VETERAN LEAVE.—In any  
12 case in which the necessity for leave under sub-  
13 section (a)(6) is foreseeable, the employee shall pro-  
14 vide such notice to the employer as is reasonable and  
15 practicable.”.

16 (e) CERTIFICATION.—Section 103(a) of such Act (29  
17 U.S.C. 2613(a)) is amended by inserting “or (6)” after  
18 “paragraph (3)”.

19 (f) MAINTENANCE OF HEALTH BENEFITS.—Section  
20 104(c) of such Act (29 U.S.C. 2614(c)) is amended—

21 (1) in paragraph (2)(B)(i)—

22 (A) by inserting “or a serious injury or ill-  
23 ness, as the case may be,” after “serious health  
24 condition”; and

1 (B) by striking “section 102(a)(3)” and in-  
2 serting “paragraph (3) or (6) of section  
3 102(a)”;  
4 (2) in paragraph (3)—

5 (A) in subparagraph (A)—

6 (i) in clause (ii), by striking “or”;

7 (ii) in clause (iii), by striking the pe-  
8 riod at the end and inserting “; or”; and

9 (iii) by adding at the end the fol-  
10 lowing:

11 “(iv) a certification issued by the  
12 health care provider of the eligible em-  
13 ployee, in the case of an employee unable  
14 to return to work because of a serious in-  
15 jury or illness specified in section  
16 102(a)(6).”; and

17 (B) in subparagraph (C), by adding at the  
18 end the following:

19 “(iii) LEAVE DUE TO A SERIOUS IN-  
20 JURY OR ILLNESS OF EMPLOYEE.—The  
21 certification described in subparagraph  
22 (A)(iv) shall be sufficient if the certifi-  
23 cation states that a serious injury or illness  
24 prevented the employee from being able to  
25 perform the functions of the position of the

1 employee on the date that the leave of the  
2 employee expired.

3 “(iv) LEAVE DUE TO A SERIOUS IN-  
4 JURY OR ILLNESS OF A FAMILY MEMBER  
5 WHO IS A SERVICEMEMBER.—The certifi-  
6 cation described in subparagraph (A)(i)  
7 shall be sufficient if the certification states  
8 that the employee is needed to care for  
9 covered servicemember on the date that the  
10 leave of the employee expired.”.

11 (g) ENFORCEMENT.—Section 107(a)(1)(A)(i)(II) of  
12 such Act (29 U.S.C. 2617(a)(1)(A)(i)(II)) is amended by  
13 striking “section 102(a)(3)” and inserting “paragraph (3)  
14 or (6) of section 102(a)”.

15 **TITLE II—FEDERAL CIVILIAN**  
16 **EMPLOYEES**

17 **SEC. 201. EMPLOYEES COVERED BY TITLE 5, UNITED**  
18 **STATES CODE.**

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

21 (1) in paragraph (3), by striking “employee”  
22 each place it appears and inserting “employee or  
23 covered servicemember”;

24 (2) by striking paragraphs (6) and (7) and in-  
25 serting the following:

1           “(6) the term ‘son or daughter’ means a bio-  
2           logical, adopted, or foster child, a stepchild, a legal  
3           ward, or a child of a person standing in loco  
4           parentis—

5                   “(A) who is—

6                           “(i) under 18 years of age; or

7                           “(ii) 18 years of age or older and in-  
8                   capable of self-care because of a mental or  
9                   physical disability; or

10                   “(B) for the purposes of leave under sec-  
11                   tion 6382(a)(1)(e) or section 6382(a)(3)(A), in-  
12                   cludes (regardless of age) any child, stepchild,  
13                   legal ward, or child of a person standing in loco  
14                   parentis;

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

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

20                   “(B) in the case of a member of a reserve  
21                   component of the Armed Forces—

22                           “(i) duty during the deployment of  
23                   the member with the Armed Forces under  
24                   a call or order to active duty under a pro-

1 vision of law referred to in section  
2 101(a)(13)(B) of title 10;

3 “(ii) duty pursuant to title 32; or

4 “(iii) State active duty (defined for  
5 purposes of this clause as having the  
6 meaning of such term in section 4303(15)  
7 of title 38) for a period of 14 days or  
8 more, State active duty in response to a  
9 national emergency declared by the Presi-  
10 dent under the National Emergencies Act  
11 (50 U.S.C. 1601 et seq.), or State active  
12 duty in response to a major disaster de-  
13 clared by the President under section 401  
14 of the Robert T. Stafford Disaster Relief  
15 and Emergency Assistance Act (42 U.S.C.  
16 5170);”;

17 (3) in paragraph (8)(B), by striking “and who  
18 was” through “therapy;” and inserting a semicolon;

19 (4) in paragraph (11)—

20 (A) by striking “and” at the end of sub-  
21 paragraph (A);

22 (B) in subparagraph (B)—

23 (i) by striking “at any time during a  
24 period described in paragraph (8)(B)”;

25 (ii) by striking “and” at the end; and

1 (C) by inserting after subparagraph (B)  
2 the following:

3 “(C) in the case of either a member of the  
4 Armed Forces (including a member of the Na-  
5 tional Guard or Reserves), or a veteran who  
6 was such a member, a serious health condition  
7 that was incurred by the member in line of duty  
8 on active duty in the Armed Forces (or existed  
9 before the beginning of the member’s active  
10 duty and was aggravated by service in line of  
11 duty on active duty in the Armed Forces);”;

12 (5) in paragraph (12), by striking the period at  
13 the end and inserting “; and”; and

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

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

20 (b) SERVICEMEMBER CARE AND VETERAN LEAVE.—

21 Section 6382 of title 5, United States Code, is amended—

22 (1) by striking subsection (a)(3) and inserting  
23 the following:

24 “(3)(A) Subject to section 6383, an employee  
25 who is the spouse, son or daughter, son-in-law or

1 daughter-in-law, parent, parent-in-law, grandparent,  
2 sibling, uncle or aunt, nephew or niece, or next of  
3 kin of a covered servicemember, or any other indi-  
4 vidual whose close association is the equivalent of a  
5 family relationship with a covered servicemember,  
6 shall be entitled to a total of 26 workweeks of leave  
7 during a 12-month period to care for the service-  
8 member.

9 “(B) Subject to section 6383, an employee who  
10 is a covered servicemember shall be entitled to a  
11 total of 26 workweeks of leave during a 12-month  
12 period because of a serious injury or illness that  
13 makes the employee unable to perform the functions  
14 of the position of such employee.

15 “(C) For the purposes of subparagraph (A), the  
16 following definitions apply:

17 “(i) ANY OTHER INDIVIDUAL WHOSE  
18 CLOSE ASSOCIATION IS THE EQUIVALENT OF A  
19 FAMILY RELATIONSHIP.—The term ‘any other  
20 individual whose close association is the equiva-  
21 lent of a family relationship’, used with respect  
22 to a covered servicemember, means any person  
23 with whom the covered servicemember has a  
24 significant personal bond that is or is like a

1 family relationship, regardless of biological or  
2 legal relationship.

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

7 “(iii) GRANDPARENT.—The term ‘grand-  
8 parent’, used with respect to a covered service-  
9 member, means a parent of a parent of the cov-  
10 ered servicemember.

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

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

19 “(vi) SIBLING.—The term ‘sibling’, used  
20 with respect to a covered servicemember, means  
21 any person who is a son or daughter of parent  
22 of the covered servicemember (other than the  
23 covered servicemember).

24 “(vii) SON-IN-LAW; DAUGHTER-IN-LAW.—  
25 The terms ‘son-in-law’ and ‘daughter-in-law’,



1           used with respect to a covered servicemember,  
2           mean any person who is a spouse or domestic  
3           partner of a son or daughter, as the case may  
4           be, of the covered servicemember.

5           “(viii) UNCLE; AUNT.—The terms ‘uncle’  
6           and ‘aunt’, used with respect to a covered serv-  
7           icemember, mean the son or daughter, as the  
8           case may be, of the grandparent of the covered  
9           servicemember (other than the parent of the  
10          covered servicemember).”.

11          (2) in subsection (e), by adding at the end the  
12          following:

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

17          (c) CERTIFICATION.—Section 6383 of title 5, United  
18          States Code, is amended—

19               (1) in subsection (a), by striking “subparagraph  
20               (C) or (D) of section 6382(a)(1)” and inserting  
21               “subparagraph (C) or (D) of paragraph (1) of sec-  
22               tion 6382(a) or subparagraph (A) or (B) of para-  
23               graph (3) of such section”; and

24               (2) in subsection (b)—

1 (A) in paragraph (1), by inserting “or seri-  
2 ous injury or illness, as the case may be,” after  
3 “serious health condition”; and

4 (B) in paragraph (4)—

5 (i) in subparagraph (A)—

6 (I) by striking “section  
7 6382(a)(1)(C)” and inserting “para-  
8 graph (1)(C) or paragraph (3)(A) of  
9 section 6382(a)”; and

10 (II) by inserting “covered service-  
11 member,” before “son” in each place  
12 it appears; and

13 (ii) in subparagraph (B), by striking  
14 “section 6382(a)(1)(D)” and inserting  
15 “paragraph (1)(D) or paragraph (3)(B) of  
16 section 6382(a)”.