

119TH CONGRESS
1ST SESSION

S. 1710

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

IN THE SENATE OF THE UNITED STATES

MAY 12, 2025

Ms. DUCKWORTH (for herself, Ms. KLOBUCHAR, Mr. BLUMENTHAL, and Ms. ALSOBROOKS) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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

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

(A) in subparagraph (A)—

(i) in clause (ii), by striking “or”;

(ii) in clause (iii), by striking the period at the end and inserting “; or”; and

(iii) by adding at the end the following:

“(iv) a certification issued by the health care provider of the eligible employee, in the case of an employee unable to return to work because of a serious injury or illness specified in section 102(a)(6).”; and

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

“(iii) LEAVE DUE TO A SERIOUS INJURY OR ILLNESS OF EMPLOYEE.—The certification described in subparagraph (A)(iv) shall be sufficient if the certification states that a serious injury or illness prevented the employee from being able to 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-

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

“(ii) duty pursuant to title 32; or

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

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

(4) in paragraph (11)—

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

(B) in subparagraph (B)—

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

(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).”; and

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)”.

○