

110TH CONGRESS  
1ST SESSION

# H. R. 3502

To provide for the prompt implementation of those recommendations of the President's Commission on Care for America's Returning Wounded Warriors that require congressional action.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 7, 2007

Mr. MORAN of Kansas (for himself, Mr. SALAZAR, Mrs. EMERSON, Mr. YOUNG of Alaska, and Mrs. MYRICK) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committees on Veterans' Affairs, Education and Labor, Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide for the prompt implementation of those recommendations of the President's Commission on Care for America's Returning Wounded Warriors that require congressional action.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Wounded Warriors Commission Implementation Act of  
6 2007”.

1 (b) TABLE OF CONTENTS.—The table of contents for  
2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Purposes.
- Sec. 3. Clarification of Department of Defense and Department of Veterans Affairs roles in disability evaluation system for retirement of members for disability.
- Sec. 4. Elimination of disability rating requirement for retirement of members for disability.
- Sec. 5. Transition payments to members of the Armed Forces retired for combat-related injuries.
- Sec. 6. Department of Veterans Affairs bonus payments to veterans in rehabilitation programs.
- Sec. 7. Department of Veterans Affairs disability compensation.
- Sec. 8. Presumption of service connection for post-traumatic stress disorder.
- Sec. 9. Extended benefits under TRICARE for primary caregivers of members of the uniformed services who incur a serious injury or illness on active duty.
- Sec. 10. Family Medical Leave Act.

3 **SEC. 2. PURPOSES.**

4 The purposes of this Act include—

5 (1) eliminating the 30 percent threshold before  
6 a member of the Armed Forces may be retired for  
7 disability and ensuring that every member who is re-  
8 tired for disability will receive a lifetime annuity  
9 payment, based on the member's rank and years of  
10 military service;

11 (2) clarifying that, because members retired for  
12 disability will be eligible for retired pay under chap-  
13 ter 71 of title 10, United States Code, such mem-  
14 bers, under chapter 55 of such title, will also be eli-  
15 gible for lifetime, comprehensive health care cov-  
16 erage and pharmacy benefits for themselves through

1 the TRICARE program of the Department of De-  
2 fense;

3 (3) requiring that disability-related payments  
4 and benefits for veterans reflect three components:  
5 transition payments, earnings-loss payments, and  
6 quality-of-life payments;

7 (4) creating a presumption of service connection  
8 for post-traumatic stress disorder;

9 (5) extending TRICARE program benefits to  
10 caregivers of members who incur a serious injury or  
11 illness while serving on active duty; and

12 (6) authorizing servicemember family leave  
13 under the Family and Medical Leave Act.

14 **SEC. 3. CLARIFICATION OF DEPARTMENT OF DEFENSE AND**  
15 **DEPARTMENT OF VETERANS AFFAIRS ROLES**  
16 **IN DISABILITY EVALUATION SYSTEM FOR RE-**  
17 **TIREMENT OF MEMBERS FOR DISABILITY.**

18 The objective of the Department of Defense disability  
19 evaluation system is to determine whether an injured  
20 member of the Armed Forces is fit to perform the duties  
21 of the member's office, grade, rank, or rating, and the ob-  
22 jective of the Department of Veterans Affairs disability  
23 evaluation system is to establish the disability rating, com-  
24 pensation, and benefits programs for the member if the

1 member is retired or separated because of physical dis-  
2 ability.

3 **SEC. 4. ELIMINATION OF DISABILITY RATING REQUIRE-**  
4 **MENT FOR RETIREMENT OF MEMBERS FOR**  
5 **DISABILITY.**

6 (a) MEMBERS ON ACTIVE DUTY FOR MORE THAN  
7 30 DAYS.—Section 1201(b) of title 10, United States  
8 Code, is amended—

9 (1) by inserting “and” at the end of paragraph  
10 (1);

11 (2) by striking “; and” at the end of paragraph  
12 (2) and inserting a period; and

13 (3) by striking paragraph (3).

14 (b) MEMBERS ON ACTIVE DUTY FOR 30 DAYS OR  
15 LESS.—Section 1204 of title 10, United States Code, is  
16 amended—

17 (1) by inserting “and” at the end of paragraph  
18 (2);

19 (2) by striking “; and” at the end of paragraph  
20 (3) and inserting a period; and

21 (3) by striking paragraph (4).

22 (c) TERMINATION OF SEPARATION OF MEMBERS IN  
23 LIEU OF RETIREMENT.—

24 (1) MEMBERS ON ACTIVE DUTY FOR MORE  
25 THAN 30 DAYS.—Section 1203 of title 10, United

1 States Code, is amended by adding at the end the  
2 following new subsection:

3 “(c) TERMINATION.—After the date of the enactment  
4 of the Wounded Warriors Commission Implementation Act  
5 of 2007, the Secretary concerned shall no longer separate  
6 a member described in section 1201(c) of this title from  
7 the member’s armed force under the authority of this sec-  
8 tion. Instead, section 1201 of this title shall apply with  
9 respect to the member.”.

10 (2) MEMBERS ON ACTIVE DUTY FOR 30 DAYS  
11 OR LESS.—Section 1206 of title 10, United States  
12 Code, is amended—

13 (A) by striking “Upon” and inserting “(a)  
14 SEPARATION.—Upon”; and

15 (B) by adding at the end the following new  
16 subsection:

17 “(c) TERMINATION.—After the date of the enactment  
18 of the Wounded Warriors Commission Implementation Act  
19 of 2007, the Secretary concerned shall no longer separate  
20 a member otherwise covered by subsection (a) from the  
21 member’s armed force under the authority of this section.  
22 Instead, section 1204 of this title shall apply with respect  
23 to the member.”.

1 **SEC. 5. TRANSITION PAYMENTS TO MEMBERS OF THE**  
2 **ARMED FORCES RETIRED FOR COMBAT-RE-**  
3 **LATED INJURIES.**

4 (a) **TRANSITION PAYMENT ELECTION.**—A member of  
5 the Armed Forces who is retired pursuant to section 1201  
6 of title 10, United States Code, by reason of a combat-  
7 related injury, may elect to receive a transition payment  
8 from the Secretary of Defense under subsection (b) or a  
9 transition payment from the Secretary of Veterans Affairs  
10 under subsection (c).

11 (b) **DEPARTMENT OF DEFENSE TRANSITION PAY-**  
12 **MENT.**—A transition payment under this subsection is a  
13 monthly payment made by the Secretary of Defense to a  
14 person described in subsection (a) after the retirement of  
15 the member. The payments shall be made for the first  
16 three months beginning on or after the effective date of  
17 the retirement of the member. The amount of the transi-  
18 tion payment shall be equal to the person's most recent  
19 monthly basic pay as calculated under section 201 of title  
20 37, United States Code.

21 (c) **DEPARTMENT OF VETERANS AFFAIRS TRANSI-**  
22 **TION PAYMENT.**—

23 (1) **AVAILABILITY OF TRANSITION PAYMENT.**—

24 A transition payment under this subsection is a pay-  
25 ment made by the Secretary of Veterans Affairs to  
26 a person described in subsection (a) who is enrolled

1 in a rehabilitation program under chapter 31 of title  
2 38, United States Code, during the period in which  
3 such person is so enrolled. The amount of a payment  
4 under this paragraph shall be determined pursuant  
5 to the study conducted under paragraph (2).

6 (2) STUDY ON DEPARTMENT OF VETERANS AF-  
7 FAIRS TRANSITION PAYMENT AMOUNT.—By not  
8 later than 30 days after the date of the enactment  
9 of this Act, the Secretary of Veterans Affairs shall  
10 begin a six-month study to determine the appro-  
11 priate amount of the transition payment to be made  
12 under paragraph (1). Upon completion of the Study,  
13 the Secretary shall submit to Congress and the  
14 President a report containing the results of the  
15 study.

16 (d) COMBAT-RELATED INJURY DEFINED.—In this  
17 section, the term “combat-related injury” means an injury  
18 or illness incurred in the line of duty in a combat zone  
19 designated by the Secretary of Defense or attributable to  
20 the special dangers associated with armed conflict or the  
21 preparation or training for armed conflict.

1 **SEC. 6. DEPARTMENT OF VETERANS AFFAIRS BONUS PAY-**  
2 **MENTS TO VETERANS IN REHABILITATION**  
3 **PROGRAMS.**

4 (a) **BONUS PAYMENTS.**—The Secretary of Veterans  
5 Affairs shall pay to each veteran who is enrolled in a reha-  
6 bilitation program under chapter 31 of title 38, United  
7 States Code, or another rehabilitation program approved  
8 by the Secretary an annual bonus payment for each year  
9 of such rehabilitation program completed by the person.

10 (b) **AMOUNT.**—As part of the study required by sec-  
11 tion 5(c)(2), the Secretary of Veterans Affairs shall also  
12 determine the amount of the bonus payment to be made  
13 under subsection (a). In the case of a veteran who receives  
14 a transition payment under section 5, the maximum ag-  
15 gregate amount of the bonus payments that an individual  
16 may receive under this section is the amount equal to 25  
17 percent of the amount of the transition payment elected  
18 by the individual under subsection (a) of that section.

19 (c) **STUDY ON BONUS PAYMENTS.**—Beginning on the  
20 date on which the Secretary of Veterans Affairs first  
21 makes a bonus payment under subsection (a), the Sec-  
22 retary shall conduct a five-year study of the bonus pay-  
23 ments. Upon the completion of the study, the Secretary  
24 shall submit to Congress and the President a report on  
25 the study that includes each of the following for the period  
26 covered by the study:



1 of a combat-related injury, as that term is defined  
2 in section 5(d), a quality-of-life payment to com-  
3 pensate for the non-work related effects of a combat-  
4 related injury. Such payment shall be in addition to  
5 any payment to which the person is entitled under  
6 subchapter II of chapter 11 of title 38, United  
7 States Code.

8 (2) QUALITY-OF-LIFE PAYMENT DEFINED.—  
9 For purposes of this section, the term “quality-of-  
10 life payment” means the amount of money necessary  
11 to compensate an individual described in paragraph  
12 (1) for the negative non-work related effects a serv-  
13 ice-connected disability has on the individual’s life,  
14 as determined by the Secretary of Veterans Affairs.

15 (c) EARNING LOSS PAYMENTS.—The Secretary of  
16 Veterans Affairs shall pay to each veteran who has re-  
17 ceived a transition payment under section 5 but is no  
18 longer eligible for such a payment an earning loss payment  
19 in the amount necessary to compensate the veteran for  
20 the veteran’s lower earning capacity as a result of the vet-  
21 eran’s combat-related injury, as determined by the Sec-  
22 retary.

23 (d) SCHEDULE FOR RATING DISABILITIES.—In  
24 adopting and applying a schedule of ratings of specific in-  
25 juries or combination of injuries under section 1155 of

1 title 38, United States Code, the Secretary of Veterans  
2 Affairs shall take into consideration the reduction in the  
3 quality of life of a veteran with each specific injury or com-  
4 bination of injuries.

5 **SEC. 8. PRESUMPTION OF SERVICE CONNECTION FOR**  
6 **POST-TRAUMATIC STRESS DISORDER.**

7 For purposes of section 1110 of title 38, United  
8 States Code, and subject to section 1113 of such title,  
9 post-traumatic stress disorder in a veteran who served in  
10 the active military, naval, or air forces in support of a  
11 contingency operation after October 7, 2001, shall be con-  
12 sidered to have been incurred in or aggravated by such  
13 service, notwithstanding that there is no record of evidence  
14 of such illness during the period of such service.

15 **SEC. 9. EXTENDED BENEFITS UNDER TRICARE FOR PRI-**  
16 **MARY CAREGIVERS OF MEMBERS OF THE**  
17 **UNIFORMED SERVICES WHO INCUR A SERI-**  
18 **OUS INJURY OR ILLNESS ON ACTIVE DUTY.**

19 (a) IN GENERAL.—Section 1079(d) of title 10,  
20 United States Code, is amended—

21 (1) by redesignating paragraphs (2) and (3) as  
22 paragraphs (3) and (4), respectively; and

23 (2) by inserting after paragraph (1) the fol-  
24 lowing new paragraph (2):

1       “(2)(A) Subject to such terms, conditions, and excep-  
2 tions as the Secretary of Defense considers appropriate,  
3 the program of extended benefits for eligible dependents  
4 under this subsection shall include extended benefits for  
5 the primary caregivers of members of the uniformed serv-  
6 ices who incur a serious injury or illness on active duty.  
7 In addition to the extended benefits described in sub-  
8 section (e), such extended benefits may include aide and  
9 attendant care.

10       “(B) The Secretary of Defense shall prescribe in reg-  
11 ulations the individuals who shall be treated as the pri-  
12 mary caregivers of a member of the uniformed services  
13 for purposes of this paragraph.

14       “(C) For purposes of this section, a serious injury  
15 or illness, with respect to a member of the uniformed serv-  
16 ices, is an injury or illness that may render the member  
17 medically unfit to perform the duties of the member’s of-  
18 fice, grade, rank, or rating and that renders a member  
19 of the uniformed services dependant upon a caregiver.”.

20       (b) **EFFECTIVE DATE.**—The amendments made by  
21 subsection (a) shall take effect on January 1, 2008.

22 **SEC. 10. FAMILY MEDICAL LEAVE ACT.**

23       (a) **SERVICEMEMBER FAMILY LEAVE UNDER THE**  
24 **FAMILY AND MEDICAL LEAVE ACT.**—

1           (1) DEFINITIONS.—Section 101 of the Family  
2 and Medical Leave Act of 1993 (29 U.S.C. 2611) is  
3 amended by adding at the end the following:

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

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

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

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

23           “(B) the status of a member of a reserve  
24 component of the Armed Forces who is sepa-  
25 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          (2) ENTITLEMENT TO LEAVE.—Section 102(a)  
16          of such Act (29 U.S.C. 2612(a)) is amended by add-  
17          ing at 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           (3) REQUIREMENTS RELATING TO LEAVE.—

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

11           (i) in paragraph (1), in the second  
12          sentence—

13           (I) by striking “section  
14           103(b)(5)” and inserting “subsection  
15           (b)(5) or (f) (as appropriate) of sec-  
16           tion 103”; and

17           (II) by inserting “or under sub-  
18           section (a)(3)” after “subsection  
19           (a)(1)”; and

20           (ii) in paragraph (2), by inserting “or  
21           under subsection (a)(3)” after “subsection  
22           (a)(1)”.

23          (B) SUBSTITUTION OF PAID LEAVE.—Sec-  
24          tion 102(d) of such Act (29 U.S.C. 2612(d)) is  
25          amended—

1 (i) in paragraph (1)—

2 (I) by inserting “(or 26 work-  
3 weeks in the case of leave provided  
4 under subsection (a)(3))” after “12  
5 workweeks” the first place it appears;  
6 and

7 (II) by inserting “(or 26 work-  
8 weeks, as appropriate)” after “12  
9 workweeks” the second place it ap-  
10 pears; and

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

21 (C) NOTICE.—Section 102(e)(2) of such  
22 Act (29 U.S.C. 2612(e)(2)) is amended by in-  
23 serting “or under subsection (a)(3)” after “sub-  
24 section (a)(1)”.

1 (D) SPOUSES EMPLOYED BY SAME EM-  
2 PLOYER.—Section 102(f) of such Act (29  
3 U.S.C. 2612(f)) is amended—

4 (i) by redesignating paragraphs (1)  
5 and (2) as subparagraphs (A) and (B),  
6 and aligning the margins of the subpara-  
7 graphs with the margins of section  
8 102(e)(2)(A);

9 (ii) by striking “In any” and inserting  
10 the following:

11 “(1) IN GENERAL.—In any”; and

12 (iii) by adding at the end the fol-  
13 lowing:

14 “(2) SERVICEMEMBER FAMILY LEAVE.—

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

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

22 “(ii) a combination of leave under  
23 subsection (a)(3) and leave described in  
24 paragraph (1).

1           “(B) BOTH LIMITATIONS APPLICABLE.—If  
2           the leave taken by the husband and wife in-  
3           cludes leave described in paragraph (1), the  
4           limitation in paragraph (1) shall apply to the  
5           leave described in paragraph (1).”.

6           (4) CERTIFICATION.—Section 103 of such Act  
7           (29 U.S.C. 2613) is amended by adding at the end  
8           the following:

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

14          (5) FAILURE TO RETURN.—Section 104(c) of  
15          such Act (29 U.S.C. 2614(c)) is amended—

16                 (A) in paragraph (2)(B)(i), by inserting  
17                 “or under section 102(a)(3)” before the semi-  
18                 colon; and

19                 (B) in paragraph (3)(A)—

20                         (i) in clause (i), by striking “or” at  
21                         the end;

22                         (ii) in clause (ii), by striking the pe-  
23                         riod and inserting “; or”; and

24                         (iii) by adding at the end the fol-  
25                         lowing:

1           “(iii) a certification issued by the  
2           health care provider of the servicemember  
3           being cared for by the employee, in the  
4           case of an employee unable to return to  
5           work because of a condition specified in  
6           section 102(a)(3).”.

7           (6) ENFORCEMENT.—Section 107 of such Act  
8           (29 U.S.C. 2617) is amended, in subsection  
9           (a)(1)(A)(i)(II), by inserting “(or 26 weeks, in a  
10          case involving leave under section 102(a)(3))” after  
11          “12 weeks”.

12          (7) INSTRUCTIONAL EMPLOYEES.—Section 108  
13          of such Act (29 U.S.C. 2618) is amended, in sub-  
14          sections (c)(1), (d)(2), and (d)(3), by inserting “or  
15          under section 102(a)(3)” after “section 102(a)(1)”.

16          (b) SERVICEMEMBER FAMILY LEAVE FOR CIVIL  
17          SERVICE EMPLOYEES.—

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

20           (A) in paragraph (5), by striking “and” at  
21          the end;

22           (B) in paragraph (6), by striking the pe-  
23          riod and inserting “; and”; and

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

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

5           “(8) the term ‘covered servicemember’ means a  
6 member of the Armed Forces, including a member  
7 of the National Guard or a Reserve, who is under-  
8 going medical treatment, recuperation, or therapy, is  
9 otherwise in medical hold or medical holdover status,  
10 or is otherwise on the temporary disability retired  
11 list, for a serious injury or illness;

12           “(9) the term ‘medical hold or medical holdover  
13 status’ means—

14           “(A) the status of a member of the Armed  
15 Forces, including a member of the National  
16 Guard or a Reserve, assigned or attached to a  
17 military hospital for medical care; and

18           “(B) the status of a member of a reserve  
19 component of the Armed Forces who is sepa-  
20 rated, whether pre-deployment or post-deploy-  
21 ment, from the member’s unit while in need of  
22 health care based on a medical condition identi-  
23 fied while the member is on active duty in the  
24 Armed Forces;

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

4           “(11) the term ‘serious injury or illness’, in the  
5 case of a member of the Armed Forces, means an  
6 injury or illness incurred by the member in line of  
7 duty on active duty in the Armed Forces that may  
8 render the member medically unfit to perform the  
9 duties of the member’s office, grade, rank, or rat-  
10 ing.”.

11           (2) ENTITLEMENT TO LEAVE.—Section 6382(a)  
12 of such title is amended by adding at the end the  
13 following:

14           “(3) Subject to section 6383, an employee who  
15 is the spouse, son, daughter, parent, or next of kin  
16 of a covered servicemember shall be entitled to a  
17 total of 26 administrative workweeks of leave during  
18 a 12-month period to care for the servicemember.  
19 The leave described in this paragraph shall only be  
20 available during a single 12-month period.

21           “(4) During the single 12-month period de-  
22 scribed in paragraph (3), an employee shall be enti-  
23 tled to a combined total of 26 administrative work-  
24 weeks of leave under paragraphs (1) and (3). Noth-  
25 ing in this paragraph shall be construed to limit the

1 availability of leave under paragraph (1) during any  
2 other 12-month period.”.

3 (3) REQUIREMENTS RELATING TO LEAVE.—

4 (A) SCHEDULE.—Section 6382(b) of such  
5 title is amended—

6 (i) in paragraph (1), in the second  
7 sentence—

8 (I) by striking “section  
9 6383(b)(5)” and inserting “subsection  
10 (b)(5) or (f) (as appropriate) of sec-  
11 tion 6383”; and

12 (II) by inserting “or under sub-  
13 section (a)(3)” after “subsection  
14 (a)(1)”; and

15 (ii) in paragraph (2), by inserting “or  
16 under subsection (a)(3)” after “subsection  
17 (a)(1)”.

18 (B) SUBSTITUTION OF PAID LEAVE.—Sec-  
19 tion 6382(d) of such title is amended by adding  
20 at the end the following: “An employee may  
21 elect to substitute for leave under subsection  
22 (a)(3) any of the employee’s accrued or accu-  
23 mulated annual or sick leave under subchapter  
24 I for any part of the 26-week period of leave  
25 under such subsection.”.

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

4                   (4) CERTIFICATION.—Section 6383 of such title  
5                   is amended by adding at the end the following:

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

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