

103^D CONGRESS
1ST SESSION

S. 1573

To provide equal leave benefits for adoptive parents.

IN THE SENATE OF THE UNITED STATES

OCTOBER 20 (legislative day, OCTOBER 13), 1993

Mr. SIMON introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To provide equal leave benefits for adoptive parents.

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 “Leave Equity for
5 Adoptive Families Act of 1993”.

6 **SEC. 2. NONDISCRIMINATION.**

7 It shall be an unlawful employment practice for an
8 employer to discriminate against an employee with respect
9 to a term or condition of any leave benefit on the basis
10 of the fact that a son or daughter of an employee is not
11 a biological child of the employee.

1 **SEC. 3. CIVIL ACTION.**

2 (a) IN GENERAL.—Subject to the limitations con-
3 tained in this section, any person may bring a civil action
4 against an employer to enforce the provisions of section
5 2 in any appropriate court of the United States or in any
6 State court of competent jurisdiction.

7 (b) TIMING OF COMMENCEMENT OF CIVIL ACTION.—
8 No civil action may be commenced under subsection (a)
9 later than 1 year after the date of the last event that con-
10 stitutes the alleged violation of section 2.

11 (c) VENUE.—An action brought under subsection (a)
12 in a district court of the United States may be brought
13 in any appropriate judicial district under section 1391 of
14 title 28, United States Code.

15 (d) RELIEF.—In any civil action brought under sub-
16 section (a), the court may—

17 (1) grant as relief against any respondent that
18 violates section 2—

19 (A) any permanent or temporary injunc-
20 tion, temporary restraining order, or other equi-
21 table relief as the court determines appropriate,
22 and

23 (B) damages in an amount equal to any
24 wages, salary, employment benefits, or other
25 compensation denied or lost to the employee
26 bringing the action by reason of the violation of

1 section 2, plus interest on the total monetary
2 damages calculated at the prevailing rate and
3 (2) award to a prevailing party (other than the
4 United States) in the action a reasonable attorney's
5 fee.

6 **SEC. 4. CONSTRUCTION.**

7 Nothing in this Act shall be construed to require an
8 employer to provide any leave benefit that the employer
9 would not otherwise have provided to an employee with
10 a biological child.

11 **SEC. 5. DEFINITIONS.**

12 As used in this Act:

13 (1) **COMMERCE.**—The terms “commerce” and
14 “industry or activity affecting commerce” mean any
15 activity, business, or industry in commerce or in
16 which a labor dispute would hinder or obstruct com-
17 merce or the free flow of commerce, and include
18 “commerce” and any “industry affecting com-
19 merce”, as defined in paragraphs (3) and (1), re-
20 spectively, of section 120 of the Labor Management
21 Relations Act, 1947 (29 U.S.C. 142 (3) and (1)).

22 (2) **EMPLOY.**—The term “employ” has the
23 meaning given the term in section 3(g) of the Fair
24 Labor Standards Act of 1938 (29 U.S.C. 203(g)).

1 (3) EMPLOYEE.—The term “employee” means
2 any individual employed by an employer.

3 (4) EMPLOYER.—The term “employer” means
4 any person engaged in commerce or in any industry
5 or activity affecting commerce.

6 (5) EMPLOYMENT BENEFITS.—The term “em-
7 ployment benefits” means all benefits provided or
8 made available to employees by an employer, includ-
9 ing health insurance, sick leave, and annual leave,
10 regardless of whether such benefits are provided by
11 a policy or practice of an employer or through an
12 “employee welfare benefit plan”, as defined in sec-
13 tion 3(3) of the Employee Retirement Income Secu-
14 rity Act of 1974 (29 U.S.C. 1002(1)).

15 (6) LEAVE BENEFIT.—The term “leave benefit”
16 means—

17 (A) any leave provided by the employer to
18 enable a parent to prepare for the arrival of a
19 son or daughter or to care for a son or daugh-
20 ter;

21 (B) any right to reemployment with the
22 employer after the leave described in subpara-
23 graph (A); and

1 (C) any right to the receipt of pay or em-
2 ployment benefits, or the accrual of seniority,
3 during the leave described in subparagraph (A).

4 (7) PARENT.—The term “parent” means the
5 biological parent, adoptive parent, prospective adop-
6 tive parent, legal guardian, or stepparent, of the
7 child.

8 (8) SON OR DAUGHTER.—The term “son or
9 daughter” means a biological or adopted child, a
10 stepchild, a legal ward, or a child placed for adop-
11 tion.

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