

108TH CONGRESS
1ST SESSION

H. R. 1381

To amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to allow leave for individuals who provide living organ donations.

IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 2003

Mr. HINOJOSA (for himself, Mr. SERRANO, Mr. LYNCH, Mr. TOWNS, Mr. GRIJALVA, Mr. CUMMINGS, Mr. ACEVEDO-VILÁ, Mr. ABERCROMBIE, Ms. NORTON, Mr. REYES, Mr. SNYDER, Mr. DINGELL, Mrs. MILLER of Michigan, Mr. ORTIZ, Mr. TIERNEY, Mr. ANDREWS, Mr. HONDA, Mr. WAXMAN, Mrs. NAPOLITANO, Mr. MENENDEZ, Mr. RODRIGUEZ, Ms. VELÁZQUEZ, Mr. PASTOR, Mr. BACA, Ms. ROYBAL-ALLARD, Mr. CARDOZA, Ms. LINDA T. SÁNCHEZ of California, Mr. FROST, Mr. STARK, Mr. RUSH, and Mr. BECERRA) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on 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

A BILL

To amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to allow leave for individuals who provide living organ donations.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Living Organ Donor
3 Job Security Act of 2003”.

4 **SEC. 2. LEAVE FOR LIVING ORGAN DONATION.**

5 (a) **LEAVE REQUIREMENT.**—Section 102(a) of the
6 Family and Medical Leave Act of 1993 (29 U.S.C.
7 2612(a)) and section 6382(a)(1) of title 5, United States
8 Code, are each amended by adding at the end the following
9 new subparagraph:

10 “(E) In order to provide a living organ do-
11 nation, including time spent for—

12 “(i) tests used to determine whether
13 the eligible employee is medically suitable
14 for live organ donation;

15 “(ii) physical, psychological, and social
16 evaluations of the live donor;

17 “(iii) pretransplant outpatient serv-
18 ices;

19 “(iv) postoperative inpatient and out-
20 patient transplantation services;

21 “(v) travel in connection with tests,
22 evaluations, and services described in
23 clauses (i) through (iv); and

24 “(vi) recuperation consistent with the
25 type of transplant performed.”.

26 (b) **CERTIFICATION.**—

1 (1) NON-FEDERAL EMPLOYEES.—The Family
2 and Medical Leave Act of 1993 (29 U.S.C. 2611 et
3 seq.) is further amended by striking “section
4 102(a)(1)(D)” and inserting “subparagraph (D) or
5 (E) of section 102(a)(1)” in the following sections:

6 (A) Section 103(b)(4)(B) (29 U.S.C.
7 2613(b)(4)(B)).

8 (B) Section 104(c)(3)(A)(ii) (29 U.S.C.
9 2614(c)(3)(A)(ii)).

10 (2) FEDERAL EMPLOYEES.—Section
11 6383(b)(4)(B) of title 5, United States Code is
12 amended by striking “section 6382(a)(1)(D)” and
13 inserting “subparagraph (D) or (E) of section
14 6382(a)(1)”.

15 (c) CONFORMING AMENDMENTS.—

16 (1) NON-FEDERAL EMPLOYEES.—The Family
17 and Medical Leave Act of 1993 (29 U.S.C. 2611 et
18 seq.) is further amended—

19 (A) by striking “(C) or (D)” each place it
20 appears and inserting “(C), (D), or (E)” in—

21 (i) section 102(b)(1) and (2) (29
22 U.S.C. 2612(b)(1) and (2));

23 (ii) section 102(e)(2) (29 U.S.C.
24 2612(e)(2));

1 (iii) section 103(c)(1) (29 U.S.C.
2 2613(c)(1));

3 (iv) section 104(c)(2)(B)(i) (29
4 U.S.C. 2614(c)(2)(B)(i)); and

5 (v) section 108(c)(1) (29 U.S.C.
6 2618(c)(1));

7 (B) by inserting “(including living organ
8 donation)” after “planned medical treatment”
9 in—

10 (i) section 102(b)(2) and (e)(2) (29
11 U.S.C. 2612(b)(2) and (e)(2));

12 (ii) section 103(b)(5) (29 U.S.C.
13 2613(b)(5)); and

14 (iii) section 108(c)(1) (29 U.S.C.
15 2618(c)(1)), in the matter preceding sub-
16 paragraph (A); and

17 (C) in section 104(a)(4) (29 U.S.C.
18 2614(a)(4)), by striking “section 102(a)(1)(D)”
19 and inserting “subparagraph (D) or (E) of sec-
20 tion 102(a)(1)”.

21 (2) FEDERAL EMPLOYEES.—Title 5, United
22 States Code, is further amended—

23 (A) by striking “(C) or (D)” each place it
24 appears and inserting “(C), (D), or (E)” in—

25 (i) section 6382(b)(2) and (e)(2); and

1 (ii) section 6383(a);

2 (B) in section 6382(d), by striking “or
3 (D)” and inserting “(D), or (E)”;

4 (C) in section 6383(b)(5), by inserting
5 “(including living organ donation)” after
6 “planned medical treatment”; and

7 (D) in section 6384(d), by striking “sec-
8 tion 6382(a)(1)(D)” and inserting “subpara-
9 graph (D) or (E) of section 6382(a)(1)”.

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