

109TH CONGRESS
1ST SESSION

H. R. 475

To amend the Family and Medical Leave Act of 1993 to permit leave to care for a same-sex spouse, domestic partner, parent-in-law, adult child, sibling, or grandparent if the same-sex spouse, domestic partner, parent-in-law, adult child, sibling, or grandparent has a serious health condition, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 2005

Mrs. MALONEY (for herself, Ms. DELAURO, Mr. WEINER, Mr. VAN HOLLEN, Mr. GEORGE MILLER of California, Mr. FRANK of Massachusetts, Mr. MCGOVERN, Mr. OWENS, Mr. BERMAN, Mr. FATTAH, Mr. LANTOS, Mr. BISHOP of New York, Mr. ENGEL, Mr. AL GREEN of Texas, Mr. BAIRD, Mr. ABERCROMBIE, Mr. TOWNS, Mr. CROWLEY, Mr. GRIJALVA, Ms. JACKSON-LEE of Texas, Mr. McNULTY, Mr. EVANS, Mrs. JONES of Ohio, Mr. WAXMAN, Mr. SANDERS, Mr. PASCRELL, and Mr. HASTINGS of Florida) 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 to permit leave to care for a same-sex spouse, domestic partner, parent-in-law, adult child, sibling, or grandparent if the same-sex spouse, domestic partner, parent-in-law, adult child, sibling, or grandparent has a serious health condition, 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 “Family and Medical
5 Leave Inclusion Act”.

6 **SEC. 2. LEAVE TO CARE FOR A DOMESTIC PARTNER, PAR-**
7 **ENT-IN-LAW, ADULT CHILD, SIBLING, OR**
8 **GRANDPARENT.**

9 (a) LEAVE REQUIREMENT.—Section 102 of the Fam-
10 ily and Medical Leave Act of 1993 (29 U.S.C. 2612) is
11 amended—

12 (1) in subsection (a)(1)(C), by striking “spouse,
13 or a son, daughter, or parent of the employee, if
14 such spouse, son, daughter, or parent” and inserting
15 “spouse (including a same-sex spouse as determined
16 under applicable State law), son, daughter, domestic
17 partner, parent-in-law, adult child, sibling, grand-
18 parent, or parent of the employee if such spouse,
19 son, daughter, domestic partner, parent-in-law, adult
20 child, sibling, grandparent, or parent”; and

21 (2) in subsection (e)(2)(A), by striking “spouse,
22 or parent” and inserting “spouse (including a same-
23 sex spouse as determined under applicable State
24 law), domestic partner, parent-in-law, adult child,
25 sibling, grandparent, or parent”.

1 (b) CERTIFICATION.—Section 103 of the Family and
2 Medical Leave Act of 1993 (29 U.S.C. 2613) is amend-
3 ed—

4 (1) in subsection (a), by striking “spouse, or
5 parent” and inserting “spouse (including a same-sex
6 spouse as determined under applicable State law),
7 domestic partner, parent-in-law, adult child, sibling,
8 grandparent, or parent”;

9 (2) in subsection (b)(4)(A), by striking “spouse,
10 or parent and an estimate of the amount of time
11 that such employee is needed to care for the son,
12 daughter, spouse, or parent” and inserting “spouse
13 (including a same-sex spouse as determined under
14 applicable State law), domestic partner, parent-in-
15 law, adult child, sibling, grandparent, or parent and
16 an estimate of the amount of time that such em-
17 ployee is needed to care for such spouse, domestic
18 partner, parent-in-law, adult child, sibling, grand-
19 parent, or parent”; and

20 (3) in subsection (b)(7), by striking “parent, or
21 spouse” and inserting “domestic partner, parent-in-
22 law, adult child, sibling, grandparent, parent, or
23 spouse (including a same-sex spouse as determined
24 under applicable State law)”.

1 (c) EMPLOYMENT AND BENEFITS PROTECTION.—
2 Section 104(c)(3) of the Family and Medical Leave Act
3 of 1993 (29 U.S.C. 2614(c)(3)) is amended—

4 (1) in subparagraph (A)(i), by striking “spouse,
5 or parent” and inserting “spouse (including a same-
6 sex spouse as determined under applicable State
7 law), domestic partner, parent-in-law, adult child,
8 sibling, grandparent, or parent”; and

9 (2) in subparagraph (C)(ii), by striking
10 “spouse, or parent” and inserting “spouse (including
11 a same-sex spouse as determined under applicable
12 State law), domestic partner, parent-in-law, adult
13 child, sibling, grandparent, or parent”.

14 **SEC. 3. FEDERAL EMPLOYEES.**

15 (a) LEAVE REQUIREMENT.—Section 6382 of title 5,
16 United States Code, is amended—

17 (1) in subsection (a)(1)(C), by striking “spouse,
18 or a son, daughter, or parent of the employee, if
19 such spouse, son, daughter, or parent” and inserting
20 “spouse (including a same-sex spouse as determined
21 under applicable State law), son, daughter, domestic
22 partner, parent-in-law, adult child, sibling, grand-
23 parent, or parent of the employee if such spouse,
24 son, daughter, domestic partner, parent-in-law, adult
25 child, sibling, grandparent, or parent”; and

1 (2) in subsection (e)(2)(A), by striking “spouse,
2 or parent” and inserting “spouse (including a same-
3 sex spouse as determined under applicable State
4 law), domestic partner, parent-in-law, adult child,
5 sibling, grandparent, or parent”.

6 (b) CERTIFICATION.—Section 6383 of title 5, United
7 States Code, is amended—

8 (1) in subsection (a), by striking “spouse, or
9 parent” and inserting “spouse (including a same-sex
10 spouse as determined under applicable State law),
11 domestic partner, parent-in-law, adult child, sibling,
12 grandparent, or parent”; and

13 (2) in subsection (b)(4)(A), by striking “spouse,
14 or parent, and an estimate of the amount of time
15 that such employee is needed to care for such son,
16 daughter, spouse, or parent” and inserting “spouse
17 (including a same-sex spouse as determined under
18 applicable State law), domestic partner, parent-in-
19 law, adult child, sibling, grandparent, or parent, and
20 an estimate of the amount of time that such em-
21 ployee is needed to care for such son, daughter,
22 spouse, domestic partner, parent-in-law, adult child,
23 sibling, grandparent, or parent”.

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