

110TH CONGRESS
1ST SESSION

H. R. 2792

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 who has a serious health condition.

IN THE HOUSE OF REPRESENTATIVES

JUNE 20, 2007

Mrs. MALONEY of New York introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committees on House Administration and Oversight and Government Reform, 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 who has a serious health condition.

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”.

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

4 (a) DEFINITIONS.—

5 (1) INCLUSION OF SAME-SEX SPOUSES.—Sec-
6 tion 101(13) of the Family and Medical Leave Act
7 of 1993 (29 U.S.C. 2611(13)) is amended, by insert-
8 ing “, and includes a same-sex spouse as determined
9 under applicable State law” before the period.

10 (2) INCLUSION OF ADULT CHILDREN.—Section
11 101(12) of such Act (29 U.S.C. 2611(12)) is amend-
12 ed by striking “who is—” and all that follows and
13 inserting “and includes an adult child”.

14 (3) INCLUSION OF GRANDPARENTS, PARENTS-
15 IN-LAW, SIBLINGS, AND DOMESTIC PARTNERS.—Sec-
16 tion 101 of such Act is further amended—

17 (A) by redesignating paragraphs (2)
18 through (13) as paragraphs (3), (4), (5), (6),
19 (8), (9), (11), (12), (13), (15), (16), and (17),
20 respectively;

21 (B) by inserting after paragraph (1) the
22 following:

23 “(2) DOMESTIC PARTNER.—The term ‘domestic
24 partner’ means—

25 “(A) the person recognized as the domestic
26 partner of the employee under any domestic

1 partner registry or civil union laws of the State
2 or political subdivision of a State where the em-
3 ployee resides; or

4 “(B) in the case of an unmarried employee
5 who lives in a State where a person cannot
6 marry a person of the same sex under the laws
7 of the State, a single, unmarried adult person
8 of the same sex as the employee who is in a
9 committed, intimate relationship with the em-
10 ployee, is not a domestic partner to any other
11 person, and who is designated to the employer
12 by such employee as that employee’s domestic
13 partner.”;

14 (C) by inserting after paragraph (6) (as so
15 redesignated) the following:

16 “(7) GRANDPARENT.—The term ‘grandparent’
17 means a parent of a parent of an employee.”;

18 (D) by inserting after paragraph (9) (as so
19 redesignated) the following:

20 “(10) PARENT-IN-LAW.—The term ‘parent-in-
21 law’ means a parent of the spouse or domestic part-
22 ner of an employee.”; and

23 (E) by inserting after paragraph (13) (as
24 so redesignated) the following:

1 “(14) SIBLING.—The term ‘sibling’ means any
2 person who is a son or daughter of an employee’s
3 parent.”.

4 (b) LEAVE REQUIREMENT.—Section 102 of the Fam-
5 ily and Medical Leave Act of 1993 (29 U.S.C. 2612) is
6 amended—

7 (1) in subsection (a)(1)(C), by striking “spouse,
8 or a son, daughter, or parent of the employee, if
9 such spouse, son, daughter, or parent” and inserting
10 “spouse or domestic partner, or a son, daughter,
11 parent, parent-in-law, grandparent, or sibling, of the
12 employee if such spouse, domestic partner, son,
13 daughter, parent, parent-in-law, grandparent, or sib-
14 ling”; and

15 (2) in subsection (e)(2)(A), by striking “spouse,
16 or parent” and inserting “spouse, domestic partner,
17 parent, parent-in-law, grandparent, or sibling”.

18 (c) CERTIFICATION.—Section 103 of the Family and
19 Medical Leave Act of 1993 (29 U.S.C. 2613) is amend-
20 ed—

21 (1) in subsection (a), by striking “spouse, or
22 parent” and inserting “spouse, domestic partner,
23 parent, parent-in-law, grandparent, or sibling”;

24 (2) in subsection (b)(4)(A), by striking “spouse,
25 or parent and an estimate of the amount of time

1 that such employee is needed to care for the son,
2 daughter, spouse, or parent” and inserting “spouse,
3 domestic partner, parent, parent-in-law, grand-
4 parent, or sibling and an estimate of the amount of
5 time that such employee is needed to care for such
6 son, daughter, spouse, domestic partner, parent,
7 parent-in-law, grandparent, or sibling”; and

8 (3) in subsection (b)(7), by striking “parent, or
9 spouse” and inserting “spouse, domestic partner,
10 parent, parent-in-law, grandparent, or sibling”.

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

14 (1) in subparagraph (A)(i), by striking “spouse,
15 or parent” and inserting “spouse, domestic partner,
16 parent, parent-in-law, grandparent, or sibling” ; and

17 (2) in subparagraph (C)(ii), by striking
18 “spouse, or parent” and inserting “spouse, domestic
19 partner, parent, parent-in-law, grandparent, or sib-
20 ling”.

21 **SEC. 3. FEDERAL EMPLOYEES.**

22 (a) DEFINITIONS.—

23 (1) INCLUSION OF ADULT CHILDREN.—Section
24 6381(6) of title 5, United States Code, is amended

1 by striking “who is—” and all that follows and in-
2 serting “and includes an adult child”.

3 (2) INCLUSION OF GRANDPARENTS, PARENTS-
4 IN-LAW, SIBLINGS, AND DOMESTIC PARTNERS.—Sec-
5 tion 6381 of such title is further amended—

6 (A) by redesignating paragraphs (3)
7 through (6) as paragraphs (4), (7), (8), (9),
8 and (10), respectively;

9 (B) by inserting after paragraph (2) the
10 following:

11 “(3) DOMESTIC PARTNER.—The term ‘domestic
12 partner’ means—

13 “(A) the person recognized as the domestic
14 partner of the employee under any domestic
15 partner registry or civil union laws of the State
16 or political subdivision of a State where the em-
17 ployee resides; or

18 “(B) in the case of an unmarried employee
19 who lives in a State where a person cannot
20 marry a person of the same sex under the laws
21 of the State, a single, unmarried adult person
22 of the same sex as the employee who is in a
23 committed, intimate relationship with the em-
24 ployee, is not a domestic partner to any other
25 person, and who is designated to the employer

1 by such employee as that employee’s domestic
2 partner.”;

3 (C) by inserting after paragraph (4) (as so
4 redesignated) the following:

5 “(5) PARENT-IN-LAW.—The term ‘parent-in-
6 law’ means a parent of the spouse or domestic part-
7 ner of an employee.

8 “(6) GRANDPARENT.—The term ‘grandparent’
9 means a parent of a parent of an employee.”; and

10 (D) by inserting after paragraph (8) (as so
11 redesignated) the following:

12 “(9) SIBLING.—The term ‘sibling’ means any
13 person who is a son or daughter of an employee’s
14 parent.”.

15 (3) INCLUSION OF SAME-SEX SPOUSES.—Sec-
16 tion 6381 of such title, as amended by this sub-
17 section, is further amended by adding at the end the
18 following:

19 “(11) SPOUSE.—The term ‘spouse’ includes a
20 same-sex spouse as determined under applicable
21 State law.”.

22 (b) LEAVE REQUIREMENT.—Section 6382 of title 5,
23 United States Code, is amended—

24 (1) in subsection (a)(1)(C), by striking “spouse,
25 or a son, daughter, or parent of the employee, if

1 such spouse, son, daughter, or parent” and inserting
2 “spouse, or domestic partner, or a son, daughter,
3 parent, parent-in-law, grandparent, or sibling, of the
4 employee if such spouse, domestic partner, son,
5 daughter, parent, parent-in-law, grandparent, or sib-
6 ling”; and

7 (2) in subsection (e)(2)(A), by striking “spouse,
8 or parent” and inserting “spouse, domestic partner,
9 parent, parent-in-law, grandparent, or sibling”.

10 (c) CERTIFICATION.—Section 6383 of title 5, United
11 States Code, is amended—

12 (1) in subsection (a), by striking “spouse, or
13 parent” and inserting “spouse, domestic partner,
14 parent, parent-in-law, grandparent, or sibling”; and

15 (2) in subsection (b)(4)(A), by striking “spouse,
16 or parent, and an estimate of the amount of time
17 that such employee is needed to care for such son,
18 daughter, spouse, or parent” and inserting “spouse,
19 domestic partner, parent, parent-in-law, grand-
20 parent, or sibling and an estimate of the amount of
21 time that such employee is needed to care for such
22 son, daughter, spouse, domestic partner, parent,
23 parent-in-law, grandparent, or sibling”.

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