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

JUNE 9, 2009

Mr. Hinojosa (for himself, Mr. Waxman, Mr. Eshoo, Ms. Schakowsky, Mr. Ortiz, and Mr. Sestak) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committees on 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.

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 Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

This Act may be cited as the “Living Organ Donor Job Security Act”.

3 SEC. 2. LEAVE FOR LIVING ORGAN DONATION.

(a) LEAVE REQUIREMENT.—
(1) NON-FEDERAL EMPLOYEES.—Section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is amended by adding at the end the following new subparagraph:

“(F) In order to provide a living organ donation, including time spent for—

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

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

“(iii) pretransplant outpatient services;

“(iv) postoperative inpatient and outpatient transplantation services;

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

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

(2) FEDERAL EMPLOYEES.—Section 6382(a)(1) of title 5, United States Code, is amended by adding at the end the following new subparagraph:

“(E) In order to provide a living organ donation, including time spent for—
“(i) tests used to determine whether
the eligible employee is medically suitable
for live organ donation;
“(ii) physical, psychological, and social
evaluations of the live donor;
“(iii) pretransplant outpatient services;
“(iv) postoperative inpatient and outpatient transplantation services;
“(v) travel in connection with tests,
evaluations, and services described in
clauses (i) through (iv); and
“(vi) recuperation consistent with the
type of transplant performed.”.

(b) Certification.—

(1) Non-Federal Employees.—The Family
and Medical Leave Act of 1993 (29 U.S.C. 2611 et
seq.) is further amended by striking “section
102(a)(1)(D)” and inserting “subparagraph (D) or
(F) of section 102(a)(1)” in the following sections,
respectively:

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

(B) Section 104(c)(3)(A)(ii) (29 U.S.C.
2614(c)(3)(A)(ii)).
(2) Federal Employees.—Section 6383(b)(4)(B) of title 5, United States Code is amended by striking “section 6382(a)(1)(D)” and inserting “subparagraph (D) or (E) of section 6382(a)(1)”.

(c) Conforming Amendments.—

(1) Non-Federal Employees.—The Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.) is further amended—

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

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

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

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

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

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

(B) by inserting “(including living organ donation)” after “planned medical treatment” in—
(i) section 102(b)(2) and (e)(2) (29 U.S.C. 2612(b)(2) and (e)(2));

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

(iii) section 108(c)(1) (29 U.S.C. 2618(c)(1)), in the matter preceding subparagraph (A); and

(C) in section 104(a)(4) (29 U.S.C. 2614(a)(4)), by striking “section 102(a)(1)(D)” and inserting “subparagraph (D) or (F) of section 102(a)(1)”.

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

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

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

(ii) section 6383(a);

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

(C) in section 6383(b)(5), by inserting “(including living organ donation)” after “planned medical treatment”; and
(D) in section 6384(d), by striking “section 6382(a)(1)(D)” and inserting “subparagraph (D) or (E) of section 6382(a)(1)”. 